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THE RIGHTS OF AN ANIMAL.

THE
RIGHTS OF AN ANIMAL:

A NEW ESSAY IN ETHICS.

BY

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WITH A REPRINT OF
PART OF JOHN LAWRENCE'S CHAPTERS
'ON THE RIGHTS OF BEASTS,'
'ON THE PHILOSOPHY OF SPORTS,' AND
'THE ANIMAL-QUESTION.'

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"By a recurrence to principles it will appear that life, intelligence, and feeling necessarily imply rights. Justice, in which are included mercy or compassion, obviously refer[s] to sense and feeling. Now is the essence of justice divisible? Can there be one kind of justice for men, and another for brutes? Or is feeling in them a different thing to what it is in ourselves? Is not a beast produced by the same rule and in the same order of generation with ourselves? Is not his body nourished by the same food, hurt by the same injuries; his mind actuated by the same passions and affections which animate the human breast; and does not he also at last mingle his dust with ours and in like manner surrender up the vital spark to the aggregate or fountain of intelligence? Is this spark, or soul, to perish because it chanced to belong to a beast? Is it to become annihilate? Tell me, learned philosophers, how that may possibly happen."—JOHN LAWRENCE.

"*Milverton.* . . . I distinctly hold that every living creature has its rights, and that justice, in the highest form, may be applied to it. . . .

Ellesmere. . . . Every animal has its rights, according to Milverton. Why stop there? Every reptile then: every insect? Do you admit that, you Brahminical personage?

Milverton. Certainly. You may make me ridiculous, or, at least, try to do so; but you shall not make me inconsistent. Look there: you see, at this moment, in front of the open window, a number of flying creatures . . . whirling about in a mazy dance, and, as far as we can judge, enjoying themselves very much, and doing us no harm. They are not even touching any of that 'property' which the lawyers love so well. If you were to kill any of them at this moment, I think it would not merely be cruelty, but an invasion of right—an illegal transaction.

Sir Arthur. I think Milverton is justified in this assertion. You have no right to attack those creatures."—SIR ARTHUR HELPS.

OF THE MANY MEN, DEAD AND LIVING,

WHO HAVE PLEADED THE CAUSE OF THE HELPLESS AND DUMB,

I THINK THERE IS NONE TO WHOM I OUGHT RATHER

TO DEDICATE THIS LITTLE BOOK THAN TO

JOHN LAWRENCE

AND

SIR ARTHUR HELPS.

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FOREWORDS.

THE first five chapters of this essay were thought out in a summer's holiday four years ago and were written almost at once. But it is much easier to find and lay down abstract principles than to see how far they can be pushed unflinchingly and where the circumstances of this world force us to allow exceptions in practice. I do not claim to see this now with the fullest clearness, and I saw it very much less clearly four years ago. And, since up to October, 1877, I had no chance to work my puzzles out, the

ending chapter was not written till then. Belike it would not have been written at all but that the sheer feeling of duty which drove me to begin my essay drove me also to find time somehow to end it. Doubts as to the readiness of the public mind for such a book have stood in the way of its publication, but the kindness of some hundreds of ladies and gentlemen, whom I heartily thank, in ordering. copies beforehand has now saved me from the fear of any very heavy loss.

I do not claim to have found a new truth. Lawrence, Bentham, and Helps have each of them laid down the principle that feeling (by which I mean the power of feeling pleasure and pain) gives rights; and this principle was clear enough to any one who would look straight at it and into it. But that is just what the transmitted prejudices of thousands of years, and the fear

of being laughed at which works so strongly on nine men in every ten, hindered most people from doing. And so it comes to pass that the mention of the rights of animals in many a drawing-room of to-day might, I dare say, cause as much mirth as would once have been caused by the proposals to do away with slavery and to give the people votes. What I do claim to have done is to have started from a still earlier principle in morals, the first principle indeed; to have deduced from that the principle of Lawrence, Bentham, and Helps; to have strengthened this latter principle (though in truth it did not need strengthening) by an argument from moral evolution; to have put and answered the objections to it more systematically; to have defined the limitations which necessity sets to its observance in practice; and by means of examples falling within or without these limitations to

have given some of the rough heads of a working code of duty towards animals.

My first two chapters bear the plain stamp of Herbert Spencer's *Social Statics*, but I know no other theory of right and wrong (except 'might is right') which would not equally allow a proof of animal-rights. As for the rest of the essay, I cannot mind having borrowed a single thought: but it may be that here and there that good and charming book of Sir Arthur Helps, *Some Talk about Animals and their Masters*, has fixed in my mind something which I might else have forgotten.

As to the last chapter, 'Limitations in Practice,' it must be clearly understood that no general enquiry into the relations between man and the animal kingdom was foremeant: that would have taken up so much of my scanty leisure that I must have put off till I know not when the publication of principles

which, once settled, can be applied slowly and surely to every detail of our behaviour to animals.

I must, by the way, beg pardon for using 'animals' unscientifically for 'lower animals,' as if we ourselves were not animals at all. 'Lower animals' seemed too cumbersome: it is a pity that we have lost the old meaning of our word 'deer,' the German 'thiere.'

And I may as well save any one the trouble of picking my style to pieces, by saying that I have no style worth speaking of. In my schoolboy-days I gathered from books and newspapers that there were two main rules to follow in 'composition'—firstly, always to choose a Romance word before an English word, and a Latin or Greek word before either; secondly, to shun 'tautology.' And in this style of writing 'English' I soon gained such very fair skill that most of the people of England would have been alto-

gether unable to understand anything which I wrote. But in an evil day for my peace of mind I fell to reading old English books, and soon after them the works of William Morris and Edward A. Freeman, and at last it dawned on me that I had all along been writing the very worst of styles instead of the best; that indeed a Romance word ought always to be chosen before a Greek or Latin word, and an English word before either; and that if a man wanted to 'say' three things he needs not after all 'observe' the second and 'remark' the third. But alas! to write good English one wants either the time, which I have not yet found, to learn it, or a **Wordbook for English Writing* (not a *Dictionary of English Composition*) with the Greek, Latin, and Romance words put first and the English of them after. And,

* Cannot Mr. Kington Oliphant follow up *Standard English* by such a wordbook?

beyond this, I have often been afraid to write a word or two of English when it was at the point of my pen, for fear that my readers' minds should be drawn away from the thought by the seeming oddness of the words, and also for fear that they should be ashamed to acknowledge the thought in the face of the world because of the old and strange cut of the thought's clothing. So that I have gone no further in trying to write something like English than might be done without risking the end for which I print this essay, and from this cause and the former put together it comes to pass that my style is 'neither fish nor flesh nor,' I fear, 'good red herring.'

I have reprinted at the end of my essay the greater part of the chapter 'On the Rights of Beasts' in a work called *A Philosophical Treatise on Horses, and on the Moral Duties of Man towards the Brute*

Creation, by John Lawrence—the date of the 2nd ed. from which I copy it being 1802; and I have added extracts from other parts of his writings. I came across Lawrence in classifying the books in the library of this Institution and was at once struck with his freshness and clearness of thought, his warmth of heart, and his force of expression. What he has written on the subject would be noteworthy enough if written in 1879: for 1802 it is nothing less than wonderful, and I know no other writer of his day save Bentham who can be spoken of in the same breath with him. The least I can do for this lettered farmer (nowadays so little cared for or even known that Allibone does not think his works worth naming) is to bring him back from the dead and let him speak once more to the world to which he spoke vainly —if indeed in vain. If indeed in vain: for it may be that much of that seed which first

struggled above English ground in 1822, and which, growing steadily ever since, will some day spread its thick shelter over all the birds of the air, the beasts of the field, and every living thing, was sown by the hand of John Lawrence.

I might have quoted throughout this essay many other men far more famous than Lawrence, and of eloquence sometimes equal, but that I would not seem to throw great names into my side of the scales. Had I done so I should have run less chance of being laughed at: but I am not careful on that account, knowing that in the history of thought the truth which is to-day's laughing-stock becomes to-morrow's doubt, the wisdom of the third day, and the child's lesson of the fourth.

London Institution.

CONTENTS.

CHAPTER I.

PAGE

Universality of conscience. Its origin disputed, but immaterial to the question before us. Its imperfections and inequalities do not overthrow its authority; their explanation. Conscience in its highest development bids men do what is for the happiness of their fellow-creatures. Additional sanction to this aim on the theory of a Creator 1

CHAPTER II.

What is happiness? Herbert Spencer's definition accepted. Involves freedom of action for each individual up to the point where his freedom would trench upon that of others. Hence the rights of life and personal liberty. The argument necessitates our allowing the same rights, in the abstract, to the lower animals 6

CHAPTER III.

The conscience of most civilized people enjoins them to treat animals kindly, that is, to seek the happiness of animals as well as of men. Inconsistencies of conduct due to the yet imperfect development of this side of conscience. Quick-

PAGE

ness of such development in England during the present century. Entire want of legal protection to animals before 1822. Sir R. Knyvet Wilson's sketch of legislation since 1822 quoted and corrected. Still later legislation in 1876 has not kept up with this development: the *Saturday Review's* call for a more comprehensive law. The legislation of this century is either a tacit admission that animals possess rights, or a gross violation of the rights of men over their own property. Other manifestations of the same development of conscience. Further argument on the hypothesis of a benevolent Creator.

Notes.—Extracts from the Parliamentary Debates of 1822. Insufficiency of Martin's Act: decisions of police-magistrates. Extract from Parliamentary Debates of 1835 8

CHAPTER IV.

The first objection—that 'animals have no reason.' Is bad, because (1) irrelevant: analogy of the idiot (2) untrue: definitions of instinct and reason: Büchner's view of the animal-mind: the Rev. J. G. Wood's view. The power of animals to understand human speech: the future study of animals' speech.

Note.—Bacon, Hartley, Darwin, and Braubach on the 'religious' sentiment in animals 19

CHAPTER V.

The second objection—that 'animals have no soul.' Is bad, because (1) irrelevant, (2) it tells the other way, (3) unprovable. The mode of argument involves the denial of rights to a large part of mankind. The objection also appears incompatible with the hypothesis of a benevolent Creator 31

CHAPTER VI.

The third objection—that 'animals have no feeling' (the Neo-Cartesian theory of animal-automatism). Distinction be-

PAGE

tween this and the theory of Des Cartes himself. Objection bad, because (1) it is founded on a false premiss, (2) contrary to analogy, (3) contrary to our knowledge of the phænomena of evolution 34

CHAPTER VII.

The abstract theory of animals' rights unworkable in this world, the circumstances of which impose

(1.) Limitations in the case of noxious animals. The noxiousness of a given animal varies according to its habitat and its numbers.

(2.) Limitations due to the struggle for food. The 'law of necessity:' its moral justification. Overrides to a great extent the rights of most land-animals.

The customary modes in which man applies this law:—

(*a.*) By checking breeding. Its only fault.

(*b.*) By allowing breeding and keeping the offspring for man's use or pleasure. Why preferable. Work in reason adds pleasure to the life of animals as well as of men. The animal retains its rights of rest and recreation. The duty of kindness and 'courtesy' to animals. Confinement of pets often unjustifiable. Confinement of animals in zoölogical gardens and zoölogists' vivaries: different degrees of justification. Confinement of animals in wandering shows.

(*c.*) By allowing breeding and killing the offspring for food, instruction, or pleasure. Apology for foxhunting by one of Mr. Freeman's critics: ridiculed as a fallacy; otherwise stated must be held to afford a technical justification. Inapplicable to water-animals: is there any other justification for their slaughter? Inapplicable also to a large class of land-animals. Slaughter of food-producing animals perhaps needlessly large: value of vegetables underrated. *Early* slaughter of food-producing animals.

PAGE

Conditions under which food-producing animals should be slaughtered: present neglect of those conditions. The killing of animals as zoölogical specimens in many cases indefensible: the uselessness and bad tendency of encouraging boys to collect them. Vivisection: failure of the usual scientific defense: on what classes of animals alone; and under what conditions alone, vivisection is morally justifiable. Field-sports: technically defensible, but harmful to humane feelings. The neglect of charity to animals; some channels for its exercise.

Notes.—Sir Arthur Helps on 'courtesy' to animals. Kindness to animals too seldom preached from the pulpit. Pets bred from captive parents. Confinement of native birds. The slaughter of birds of paradise. 'Robin-trimmings.' Dr. Edward Smith on animal and vegetable food. The *Pall Mall Gazette* on over-consumption of meat. The use of oxen for draught. The social aspect of the food-question. A few words to schoolboys. Lawrence on vivisection. Vivisection and theft. Prof. Stanley Jevons on 'sportsman's humanity.' 'Why are foxhunters such humane men?' 41

APPENDIX.

Sketch of the Life and Character of John Lawrence 71

Lawrence "On the Rights of Beasts."

Notes.—The discussion on the bills against bull-baiting in 1800 and 1802. Prof. Stanley Jevons's view of the putting down of bull-baiting ... 78

Lawrence "On the Philosophy of Sports" 112

Lawrence on "The Animal-Question."

Notes.—Sketch of Erskine's Parliamentary efforts on behalf of animals. The question of law whether Martin's Act protected bulls 117

THE RIGHTS OF AN ANIMAL.

CHAPTER I.

RIGHT AND WRONG.

MAYBE all men, and assuredly all men but the lowest savages, are aware of something within them which bids them do certain things and forbear doing certain other things, and which makes them angry with themselves when they have not listened to it. This something we English call, among other names, Conscience; what it bids us do we call Right, what it forbids Wrong.

Whether Conscience was inborn in man when he first took foothold of the earth, or

whether it is altogether an outgrowth of other feelings, is questioned: but, however this may be, we cannot now shake off its yoke nor do we wish to do so.

That the Conscience of one man or race of men allows what that of another man or race of men forbids is indeed true: but we do not therefor give the less heed to it. For (whether we think of it as a sense, a faculty, or a science) we do not disbelieve the sense of sight because some men are blind, some colourblind, some shortsighted; nor the faculty of counting because some savages can count no higher than three; nor the science of astronomy because before Koppernigk the sun was thought to move round the earth, and by many hundred millions of people is still thought to do so.

Again, senses and faculties are sharpened by use, and sciences are advanced by experience. We should therefor look to see

Conscience develop as the occasions for its exercise became more manifold, that is as social relations became more complex, that is, again, as civilization increased. Until all men had reached a very high point of civilization, we should therefor look to find the development of Conscience imperfect and unequal. And so we do find that in the most highly civilized men and races of men the range and force of Conscience are far more developed than in the less civilized; that it commands more actions, and forbids more; and that its hests are harder to be withstood.

At its fullest growth Conscience bids men do whatever makes others happy and forbear doing whatever makes them unhappy. From this first principle all rules of behaviour are or should be drawn.

If we believe in a wise Maker of the world, and wish to help in fulfilling his end,

we find a further warrant for this principle. "There are few if any among civilized people," says Mr. Herbert Spencer,* "who do not agree that human well-being is in accordance with the Divine will. The doctrine is taught by all our religious teachers; it is assumed by every writer on morality: we may therefore safely consider it as an admitted truth." It is better, however, to ask what ground we have for believing that a wise Maker wishes the happiness of those whom he has made. To this it may be answered (i) That 'life' itself 'is sweet'†; (ii) That unhappiness arises from the ‡ non-

* *Social Statics* (ed. 1868), p. 81.

† So too Aristotle, *Ethics*, ix. 9. Τὸ δὲ ζῆν τῶν καθ' αὐτὸ ἀγαθῶν καὶ ἡδέων . . . Εἰ δ' αὐτὸ τὸ ζῆν ἀγαθὸν. καὶ ἡδύ—ἔοικε δὲ καὶ ἐκ τοῦ πάντας ὀρέγεσθαι αὐτοῦ, κ.τ.λ., "And life is one of those things which are of self good and sweet . . . And if life itself is good and sweet—and it seems so moreover from all men straining after it, etc."

‡ See *Social Statics*, p. 73, and the rest of the chapter headed "The Evanescence of Evil."

'adaptation of constitution to conditions;" that the progress to adaptation is sure, if slow; and that, if time be unlimited, at some time, however far off, unhappiness must therefor cease; (iii) That as men grow more understanding they come more and more to acknowledge the common happiness as their true end, and that we may therefor believe such happiness to be the end of an allwise Maker.

CHAPTER II.

HAPPINESS: RIGHTS.

WHAT then is Happiness? It is the sum of the pleasurable impressions of our senses, received by the exercise of powers fitted to take them in, called faculties. To quote Mr. Herbert Spencer* once more, "To the healthful performance of each function of mind or body attaches a pleasurable feeling. And this pleasurable feeling is obtainable only by the performance of the function; that is, by the exercise of the correlative faculty. Every faculty in turn affords its special emotion; and the sum of these constitutes happiness."

* *Social Statics*, p. 92.

To the exercise of the faculties freedom of action is needful, and must be granted to each individual short of the point where his freedom would trench upon the freedom of others.

It is plain that freedom of action includes freedom to live (sharing the fruits of the earth, without which life cannot be supported), and to move. The claims of the individual to such freedom are called the 'Right' of Life and the 'Right' of Personal Liberty.

Man, therefor, has these rights so long as he does not trench upon the equal rights of other men. This is so generally allowed that it would not have needed proving here unless the proof had involved the proof of some other principle not generally allowed.

That other principle is that *animals have the same abstract Rights of Life and Personal Liberty with man.*

CHAPTER III.

CONSCIENCE AND ANIMAL-RIGHTS.

THE Conscience of the most civilized people tells them to treat animals kindly—in other words to consult the happiness of animals as well as that of each other.

It is true that in many cases where some selfish pleasure of man is at stake the same highly civilized people will still practice and defend cruelty. This, however, only shows that in most men Conscience has not yet reached its fullest development. And that it is developing steadily in favour of kindness to animals cannot be questioned. John Lawrence, writing in 1802, says "Even the lowest class of the people of this country

have become much more mild and rational in their manners, and more humane in their treatment of brute animals (however defective still) than in former times." So wrote seventy-seven years ago a man who was fully that number of years in advance of his age, and whose heart bled for the too frequent treatment of animals in his own day. Yet for many and many a year after, and well into the lifetime of men who are only now middle-aged, the state of the English law and too often of English practice with regard to animals was altogether hellish—no other word is strong enough for it. "In the trial of William Parker (July sessions, 1794)," writes Lawrence, ". . . . Mr. Justice Heath said 'In order to convict a man for barbarous treatment of a beast, it was necessary it should appear that he had malice towards the prosecutor.' Thus, we see, had * the mare

* The man was tried for cruelty to a mare.

been the property of this fiend he had escaped punishment." And, after giving another instance of the most awful cruelty that the mind can conceive, Lawrence asks "But who shall prevent this man, seeing he does but torture his own property, for his own amusement and satisfaction?" And the law as laid down by Mr. Justice Heath remained the law of England until 1822. The slow but steady development of the national conscience from that year is best shown by the following extract from Sir Roland Knyvet Wilson's *History of Modern English Law*, and my notes on it :—

"Cruelty to Animals.—But the case was different as to sports of which the brutality was directed only against the inferior animals. To deal with these required not merely a new law but an entirely new principle of legislation, which was not admitted without

considerable hesitation. * The first enactment bearing on this subject was passed in

* The Attorney-General opposed it, referring to his speech in 1821 against an Illtreatment of Horses Bill. I find from Hansard that in that year "The *Attorney-General* objected to the bill as a new principle in the criminal law." The speech of Mr. Monck in the same debate is worth reprinting:—"Mr. *Monck* considered the bill altogether unnecessary. It arose out of that spirit of legislation which was too prevalent in the present day. If a bill for the protection of horses and asses should pass, he should not be surprised to find some other member proposing a bill for the protection of dogs [a member here said "and cats"]. He thought it better that such matters should not be made the subject of legislation." The bill of 1821 passed the stage in question by a majority of 3, but became a dropped order. As for animals not included in the Act of 1822, they were no better off than in 1794. On Sep. 17, 1832, a woman was charged at Guildhall with skinning cats alive by the dozen. "The prisoner, who said she gets 3*d.* each skin, was discharged; Sir Peter Laurie saying he had no power to punish her, no one coming forward to identify the cats. She had been in custody before upon the same charge, and declared that she would pursue this means of obtaining her livelihood." On Nov. 17, however, at Bow Street, Mr. Halls sentenced a woman to 3 months' hard labour for the same cruelty, but on what ground does not appear —no owner forthcoming.

1822. It applied only to the cruel and improper treatment of beasts of burden and cattle. In 1833 an Act was passed for prohibiting bear-baiting, cock-fighting, &c., but only within five miles of Temple Bar, and it was put solely on the ground of the tendency of these amusements to produce idleness, disorder, and annoyance to the public. In 1835 an * Act was passed which reduced the penalty for illtreatment of cattle, but prohibited bear-baiting and similar pastimes universally, and also contained provisions against the starving of impounded animals, and for the regulation of slaughter-

* "Mr. *Pease* moved that this Bill be re-committed. He trusted that the Bill would be suffered to pass, as it was eminently calculated to prevent the dreadful cruelties which were daily practised towards animals. *He would be the last man in the world to support the measure, if it tended to abridge the amusements of the poorer classes;* but he was persuaded that it would have no such effect." The passage which I have italicized is the high-water mark of Parliamentary humanity 44 years ago!

houses. This is the first Act which plainly asserts in its preamble the duty to prevent cruelty as such, reciting that "many and great cruelties are practised to the great and needless increase of the sufferings of dumb animals, and to the demoralisation of the people,"—though it is careful to add, lest those should not be thought adequate grounds for legislation—"and whereby the lives and property of His Majesty's subjects are greatly endangered and injured." In 1849 the protection of the law was extended to * *any animal.* In the debate on that Act Lord

* Not so. The law of 1849 protects "any Bull, Bear, Badger, Dog, Cock, or other kind of Animal, whether of domestic or wild Nature" from being fought or baited, but does not protect wild animals from other kinds of illtreatment. It is true that the words "any Animal" often occur, but in the 29th clause it is provided that "The Word "Animal" shall be taken to mean any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Hog, Pig, Sow, Goat, Dog, Cat, or any other domestic Animal."

Redesdale stood up in the House of Lords to defend cock-fighting "when fairly and properly conducted." In 1854 an enactment was applied to the whole kingdom, which had already been fifteen years in force for London, prohibiting the use of dogs for purposes of draught. Before quitting this subject it is worth while to remark, that the law as it now stands contains no definition of cruelty, and * applies to all animals alike, so that fox-hunting, battue-shooting, fishing, or steeple-

* Not so. The Act of 1854, referring to that of 1849, provides that "the Word Animal shall in the said Act and in this Act mean any domestic Animal, whether of the Kind or Species particularly enumerated in Clause Twenty-nine of the said Act, or of any other Kind or Species whatever, and whether a Quadruped or not." It might be a nice question whether the pheasant did not sometimes come under the head of domestic animals, but the fox and the fish are certainly not within *this* Act. And, when a carted hind was mangled to death not long since by the Queen's staghounds, the magistrates held that there was no case, because the hind was an animal *feræ naturæ*, "of wild nature."

chasing might be effectually suppressed without any change in the law, if at any time public opinion should so far change that individuals could be found to prosecute, and magistrates and juries to convict. A charge was actually entertained not long ago for excessive use of the spur in a horse-race, but the fact was held not to be proved. The question, how far *vivisection* of animals for scientific purposes should be permitted by law, is at present (1875) under the consideration of Parliament."

So Sir R. Knyvet Wilson. We all know that Parliament ended by putting restraints on vivisection. This was in 1876, and it might have been thought that the 'spirit of the age' would rest for a few years: yet on Dec. 8, 1877, there came out in the *Saturday Review* —a paper not greatly given either to restless agitation or benevolent crazes—an article headed 'Cruelty to Animals' beginning with

a strong attack on the Queen's staghounds and ending with the sentence "All these facts point strongly to a revision of the law."

We see, therefor, that not only in the present century but, as I have said, within the lifetime of men who are now only middle-aged, nay, since men not yet thirty were born, there has been a steady development of our English conscience towards greater kindness to (at least tame) animals—in other words, towards promoting their happiness.

And, when this development embodies itself in laws which fine and imprison a man for using what had been held time out of mind to be his rights over his own property, it is plain that we have already been silently recognizing that *some* animals at least have *some* rights. If these laws have not been founded on such a silent recognition, they are unwarrantable curbs on the rights of *men.*

Indeed it seems to me that between myself and any one who approves these laws there can be no question of abstract principle at all, but only of the open and consistent avowal of a principle, and of a willingness to carry it out in practice as far as may be. He may deny this; but I take leave to tell him that he is only blinding himself unless he can answer * on what other principle he approves laws which, unless barely just to the animals they shield, must be branded as altogether unjust to the men whom they punish.

But, even had no such laws been passed, I might point to the undoubted growth of a

* A friend suggests—on the ground that cruelty to animals might breed cruelty to men. I am afraid that this also would be "a new principle in the criminal law" and a doubtful one; to carry it out consistently we should have to fine and imprison a man for wasting his own money or smashing his own window—lest by and by (in a moment when his ideas of 'meum' and 'tuum' had got muddled) he might waste the money or smash the windows of other people.

spirit of kindness to animals, of a care not only for the safety but the comfort of tame animals, and of an unrest among thinking men as to the killing of wild animals for pleasure; and I might say that of two disputants on this question he was almost sure to be in accord with the more developed conscience of coming generations who set up a standard of right towards which the conscience of the past and the present had been steadily marching.

And, as for those who believe in a wise Maker of men and animals, and who wish to help in fulfilling his end, the same reasons which would lead them to include in that end the happiness of men must lead them also to include in it the happiness of all his other creatures.

CHAPTER IV.

ANIMAL-REASON.

ONE of the two common objections to allowing animals rights is that they have no reason. To this objection a twofold answer may be given :—

(i) that, if it be true, it is not relevant ;

(ii) that, if it be relevant, it is not true.

"The gist of the subject," as Sir Arthur Helps says, is contained in the words which he quotes from Bentham—"The question is not 'can they reason?' nor 'can they speak?' but 'can they suffer?'" Happiness is a state of feeling. If an animal has not reason, its functions of mind are fewer and its feel-

ing more limited than that of a man: its happiness must therefor be also more limited. But what ground is that for denying it the amount of happiness which it *can* receive?

No one, I should think, puts the animal lower down on the scale of reason than he does the idiot, and the life of the idiot gives us far more bootless trouble than the life of the seal which we butcher for our luxury or the bird which we imprison for our pleasure. Nevertheless we not only allow the idiot the rights of life and, as far as is good for him and us, of personal liberty, but we furnish him with food, clothing, comforts, and pleasures (such as he can feel) which he cannot provide for himself. If any one's conscience tells him that he may kill or imprison the idiot, this argument will of course fall flat on *his* mind; but I think nearly every one else will agree that the objection that animals

have no reason is altogether without bearing on the question at issue.

Here then the objection might be dismissed for good, or rather for bad, but that it is well to show not only its pointlessness but its untruth. For likeness begets fellow feeling, and the more like to ourselves we deem the lower animals the more strongly shall we be led to apply to them like rules of treatment.

To me it seems that any one who knows the meaning of the *word* 'reason,' and denies to animals the *thing*, must be one of those men who seeing see not and hearing do not understand. It is to me beyond belief that a man who has kept a pet, or has walked about with his eyes open, or has read or heard trustworthy tales of animals should, if he knows the meaning of the two words, hold that animals have only 'instinct' and not 'reason.'

"The well-known and perfectly correct definition of Instinct," says the Rev. J. G. Wood,* "is this—'a certain power or disposition of mind by which, independent of all instruction or experience, animals are directed unerringly to do spontaneously whatever is necessary for the preservation of the individual or the continuation of the species.'" Reason on the other hand may be defined as the power of drawing conclusions from (supposed) facts. And, if any one denies this power to animals, let him as I said, keep a pet, or walk about with his eyes open, or read or listen to tales of animals—well vouched for, however; if, after that, he still holds that animals have no reason, it would of course be idle to argue with him.

The German writer Dr. L. Büchner† has

* *Man and Beast*, i. p. 41—ed. 1874.

† *Man in the Past, Present, and Future*, W. S. Dallas's translation (1872), pp. 135–6.

some words on the animal-mind which are worth quoting:—"It is sufficiently well-known that the intellectual life of animals has hitherto been greatly under-estimated or falsely interpreted, simply because our closet-philosophers always started, not from an impartial and unprejudiced observation and appreciation of nature, but from philosophical theories in which the true position both of man and animals was entirely misunderstood. But as soon as we began to strike into a new path it was seen that intellectually, morally, and artistically the animal must be placed in a far higher position than was formerly supposed, and that the germs and first rudiments even of the highest intellectual faculties of man are existent and easily demonstrable in much lower regions . . . * it will be shown

* I pass from Büchner's text to his note: in what follows he refers to the forthcoming (but not then published) second volume of his *Physiological Essays*.

by numerous well-authenticated examples and facts that the intellectual activities, faculties, feelings, and tendencies of man are foreshadowed in an almost incredible degree in the animal-mind. Love, fidelity, gratitude, sense of duty, religious feeling, conscientiousness, friendship and the highest self-sacrifice, pity and the sense of justice or injustice, as also pride, jealousy, hatred, malice, cunning, and desire of revenge are known to the animal, as well as reflection, prudence, the highest craft, precaution, care for the future, etc.; nay even gourmandise, which is usually ascribed to man exclusively, exerts its sway also over the animal. Animals know and practice the fundamental laws and arrangements of the state and of society, of slavery and caste, of domestic economy, education, and sick-nursing; they make the most wonderful structures in the way of houses, caves, nests, paths, and dams; they hold

assemblies and public deliberations and even courts of justice upon offenders; and by means of a complicated language of sounds, signs, and gestures, they are able to concert their mutual action in the most accurate manner. In short the majority of mankind have no knowledge or even suspicion what sort of creature an animal is."

It may be said that Büchner's view fits other views of his too well to be taken as unbiased witness. But if we turn to a man who has made animal-life his special study and whose other opinions differ skywide from those of Büchner—the Rev. J. G. Wood—we find that in one single * book he has

* *Man and Beast.* He says in his preface "I cite more than three hundred original anecdotes, all being authenticated by the writers, and the documents themselves remaining in my possession." If any one wishes to see what *I* regard as evidence, let him take as a sample the story of Dr. J. Brown's dog "Nipper" in the chapter on 'Sympathy.' The reader may also see chapters ii. and iii. in vol. i. of Darwin's *Descent of Man*,

established at length the sober truthfulness of nearly every word that I have quoted.

On only one point—that of language—need I myself say anything. Mr. Wood

headed 'Comparison of the Mental Powers of Man and the Lower Animals.'

What Büchner means by religion in animals I do not know unless, as Bacon says (*Essaies*, Arber's parallel-text edition pp. 338–9), that man is to the dog "instead of a *God* or *Melior Natura*." Hartley (*Observations on Man*, 1791, i. p. 415) has said "We seem to be in the place of God to them, to be his vicegerents, and empowered to receive homage from them in his name." Hartley adds "And we are obliged by the same tenure to be their guardians and benefactors." Darwin also says (*Descent of Man*, i. p. 68) "We see some distant approach to this state of mind in the deep love of a dog for his master, associated with complete submission, some fear, and perhaps other feelings. The behaviour of a dog when returning to his master after an absence, and, as I may add, of a monkey to his beloved keeper, is widely different from that towards their fellows. In the latter case the transports of joy appear to be somewhat less, and the sense of equality is shewn in every action. Professor Braubach (*Religion, Moral, etc., der Darwin'schen Art-Lehre*, 1869, s. 53) goes so far as to maintain that a dog looks on his master as on a god."

shows ground to believe that animals *must* use voice and gesture to communicate with each other, and also that they are capable of understanding man's speech to some degree. Both faculties, he thinks, are found in parrots, the owners of which are wont to allow them the power of understanding much of what they say. Now it would be hard indeed to believe that animals have no such power: for language is learnt by associating certain words with certain ideas, and animals are able not only to distinguish words but also to associate ideas with them. A dog, for instance, knows its own name from any other word, while a cart-horse can distinguish the words "gee" and "wo" and soon finds that the one is an order to go and the other an order to stop.

Some day a zoölogist will arise who will set himself to learn the language of one or more animals. He will need a musical train-

ing and a keen ear, but, given these, he will be able to jot down the cries of his own dog, cat, or bird, noting at the same time what seemed to call them forth. The work of recording and comparing these sounds will be long and toilsome, but the outcome must be of some worth, and of how great worth no one can foresee. Such a man will also take birds capable of human speech and will try untiringly to associate in their minds words and ideas; if he succeeds so far as to teach a bird to talk with understanding, the results will be beyond guessing; if he fails, the bare trial will have been worthy of praise.

Before leaving this branch of the subject, let me say a word on the bearing of the Darwinian theory of man's descent. The rights of animals happily do not hang on it; but, so far as it is in any one's eyes a likely or even a possible theory, he will feel that the animals may be, in whatever measureless

cousinhood, his own kin, and his heart may warm to them with a fellow feeling and kindliness which had been stored up for mankind only.

And now let me sum up. To most animals have been given neither hands nor a speech, I take it, well fitted to convey many and complex thoughts: they are therefor denied the two chief means of culture. The time which they have for living and learning is but short: wild, their life is in some cases all fear and struggle; tame, they are under the rule of one who is often a bad master and seldom a good schoolmaster—man. Even thus we are driven to see in them, despite our contempt, and to acknowledge in them, despite our pride, numberless proofs of the same mental and moral faculties to which we ourselves lay claim—often (though not always) different in degree, but not so in kind. Nay, if we are pressed we

must admit that many animals are wiser and better than many men and some entire races of men. And, since we cannot put down these faculties to instinct, ought we not rather to admire and cultivate than disparage and slight the animal-mind? can we do *less* than forbear henceforth to bring forward the supposed defects of that mind as a ground for refusing to the animal what would otherwise be its rights as a feeling creature?

CHAPTER V.

THE ANIMAL-SOUL.

THE other common objection to allowing animals rights is that they 'have no soul,' by which is meant not so much that they have no minds but that whatever minds they may have die with their bodies.

This objection is no more to the point than the former. For put it thus—'Animals will have no after life: that is a reason why they should be denied what would otherwise be their rights in the present one'—and its absurdity is plain. Nay, if animals have no chance of happiness in another life we should be the more careful to ensure their happiness in this.

But were the objection ever so much to the point it would still be a bad one. For in the first place it is not capable of proof and therefor cannot be used to bar a natural right. And in the second place, if we allow souls to men, I cannot see how we are to deny them to animals.

If we ask the supposed objector *why* animals will not live again * he will answer either that they have no reason or else that they have no 'moral sense'—answers equally damaging to the immortality of many men, women, and children. But if we further

* There is a paragraph in the first chapter of *Man and Beast* which is so rich that I must quote it:—"The writer of the second letter remarked that, whatever I might say, he would never condescend to share immortality with a cheese-mite. I replied that, in the first place, it was not likely that he would be consulted on the subject; and that, in the second place, as he did condescend to share mortality with a good many cheese-mites, there could be no great harm in extending his condescension a step further."

ask him to *prove* that they have no reason or moral sense he will be unable to do so. And, even if he *were* able to prove it, he would still be unable to prove that the possession of either of these gifts in this life is needful to the inheritance of an after life.

Such an objection indeed only goes to disprove what it was meant to prove. For it grants that any creature having reason and a moral sense will outlive its present body, and I hold it to be capable of plain proof that animals have both.

Lastly, if we believe in a Maker not only wise but loving, it is hard to avoid the belief that an after life is in store for animals. To many of them disease and cruelty make this life one long wretchedness, and I cannot think that such a being would deny them the after requital which it was in his power to give.

CHAPTER VI.

THE NEO-CARTESIAN VIEW.

THERE is yet one objection which, whatever else it may be, is not pointless. It is that animals can *not* feel. If this be true, then Lawrence, Bentham, Helps, and I have the ground cut from under us; an animal has rights only if it can feel, and, if it can not feel, there is no reason in the world why you should not do to it anything you like—unless it belong to some one else.

This theory has been put down to Des Cartes by Professor Huxley, who gave an * address upon it at Belfast in 1874 and

* Published in *Nature* of Sept. 3, 1874.

afterwards wrote a *paper on it. But he seems to have overlooked a passage since pointed out † in which Des Cartes says that he is speaking of thought and not of feeling, that he grants animals feeling in so far as it depends on the bodily organs, and that his theory is therefor not so cruel to animals as respectful to men. His followers, however, denied animals any kind of feeling, and so I call this view the Neo-Cartesian.

Des Cartes looked on animals as wonderful machines without thought or the smallest mental perception: if any acts or gestures

* In the *Fortnightly Review* for Nov. 1874.

† By Prof. Mivart, *Lessons from Nature*, p. 200; I do not know whether by him first. The words he quotes are "Je ne lui repose pas même le sentiment, en tant qu'il depend des organes du corps; ainsi mon opinion n'est pas si cruelle aux animaux."

Elsewhere Des Cartes does indeed deny feeling ('sentiment') to animals, but in none of the passages which I have hunted up is there anything to show that he is speaking of bodily as well as mental feeling.

seemed to show that an animal knew what was going on around it they were only of that kind which we call reflex, that is, resulting from some bodily stimulus. Thus, if a dog wagged his tail, it was an 'affectus,' or condition, and not 'cogitatio,' thought, which that wag accompanied, and all action which accompanies an 'affectus' whether in animals or ourselves is reflex. Nowadays Des Cartes might say that the rays of light reflected from the piece of meat offered to the dog set up vibrations in the visual nerve, which set up vibrations in the molecules of the brain, which in turn set up vibrations in the caudal nerves, which set up vibrations in the caudal muscles, which set up the wag. That is all. Des Cartes's followers went further and said that an animal did not even feel *bodily* pleasure or pain.

Now, since this theory is built upon the premiss that animals have no mind, it may

be knocked down by showing that they have—which can be shown to any one who will not shut his eyes, stuff his ears, and lock up his wits in his own self-conceit.

Or it can be answered by the argument from analogy, put so well by Voltaire in the passage quoted by Sir Arthur Helps, and which I here English :—

* "Hold then the same view of this dog

* Porte donc le même jugement sur ce chien qui a perdu son maître, qui l'a cherché dans tous les chemins avec des cris douleureux, qui entre dans la maison—agité, inquiet—qui descend, qui monte, qui va de chambre en chambre, qui trouve enfin dans son cabinet le maître qu'il aime, et qui lui témoigne sa joie par la douceur de ses cris, par ses sauts, par ses caresses.

Des barbares saisissent ce chien, qui l'emporte si prodigieusement sur l'homme en amitié; ils le clouent sur une table, et ils le dissèquent vivant pour te montrer les veines mézaraïques. Tu découvres dans lui tous les mêmes organes de sentiment qui sont dans toi. Réponds-moi, machiniste ; la nature a-t-elle arrangé tous les ressorts du sentiment dans cet animal afin qu'il ne sente pas ? A-t-il des nerfs pour être impassible ? Ne suppose point cette impertinente contradiction dans la nature.

which has lost his master, which has sought him in all the thoroughfares with cries of sorrow, which comes into the house troubled and restless, goes downstairs, goes upstairs, goes from room to room, finds at last in his study the master he loves, and betokens his gladness by soft whimpers, frisks, and caresses.

"Savages lay hold on this dog, which surpasses man so wonderfully in friendship; they nail him on a table, and they dissect him alive to show you the mezaraïc veins. You find in him the same organs of feeling which are in yourself. *Answer me, automatist; has nature arranged all the springs of feeling in this animal to the end that he may not feel? Has he nerves to be without pleasure or pain? Never suppose this silly contradiction in nature.*"

Or, again, from the evolutionist's point of

view, as Professor Huxley has said that* "taking into account that great doctrine of continuity which forbids one to suppose that any natural phenomena can come into existence suddenly and without some precedent, gradual modification tending towards it, and taking into account the incontrovertible fact that the lower vertebrated animals possess, in a less developed condition, that part of the brain which we have every reason to believe is the organ of consciousness in ourselves, it seems vastly more probable that the lower animals, although they may not possess that sort of consciousness which we have ourselves, yet have it in a form proportional

* *Nature* x., p. 365. I should like very much to deal with the phænomena shown by Professor Huxley's frogs and by "Serjeant F.," which Professor Huxley thinks Des Cartes if he were alive might bring to bear most powerfully in his favour. But this would be out of place as the Professor sums up against the view here discussed.

to the comparative development of that consciousness, and foreshadow more or less dimly those feelings which we possess ourselves."

By this time, I think, our Neo-Cartesian snake is more than scotched.

CHAPTER VII.

LIMITATIONS IN PRACTICE.

ANIMALS, then, have in the abstract the same Right of Life and the same Right of Personal Liberty as we ourselves. And in a world where no animal did hurt or hindrance to man, and where room and food enough were always to be found by every living thing, no breach of these abstract rights would be warranted. Ours however is not such a world, and we need to break them only too often. When and why such breaches are allowable, I shall now try to show.

(1) *Limitations in the case of harmful animals.* I need hardly prove that we may

kill animals which would otherwise kill us. There are, however, animals which are neither dangerous nor wilfully harmful to us, but whose life nevertheless utterly mars the pleasure of our life. We cannot, mostly, check their freedom or change their ways, as maybe we might do if they were men—we have no choice but to kill them.

Yet the same animal is not always and everywhere harmful. In some summers and at some places the house-fly swarms into a very plague: elsewhere and at other times it gives no trouble at all. In like way insects which must be killed in dwellings are often harmless enough in the fields. To kill the only fly on a window-pane, or the woodlouse seen in a country-walk, would be sheer cruelty.

(2) *Limitations due to the struggle for food.* If two men are so placed that there is only enough food to save the life of one of them,

if that food does not belong to either, and if neither is bound to the other by any treaty or tie, it is by most people thought allowable for the stronger to keep or seize that food for himself, even if to do so he cannot help taking the life of the weaker. Happily it is seldom that men are so placed—never, maybe, but after shipwreck—and the case is one about which we do not like to think: but still people have formed a judgement on it, which finds its shortest utterance in the saying 'Self-preservation is the first law of nature.' A moral warrant may perhaps be found in the fact that the weaker is no worse off than he would otherwise have been (for he would in any case have died of hunger), while the stronger has saved that life which he would else have lost.

But, if men are seldom so placed towards each other, they are always so placed towards a great part of the animal kingdom.

If the land-animals had full freedom to move, feed, and breed, men would soon be crowded out of life. This being so, the breach of an animal's right of liberty and even, if need be, its right of life, becomes warrantable. And it may be added that in this case the stronger can assuredly, if he will, do more good with the life so saved to him than the weaker would have been able to do with *his* life.

Man, however, has three courses open to him by custom:—

(i) to check breeding,

(ii) to allow breeding and keep the offspring alive for his own use,

(iii) to allow breeding and kill the offspring, whether for his food, his instruction, or his pleasure.

Of these the *first* is only faulty in doing violence to the bent of nature, the force of which can, however, be mostly overcome by

means which, cruel as they are at the time, are yet less cruel than restraint at a later age.

The *second* course is nevertheless better, partly as avoiding this reproach, and partly, if Aristotle be right in saying that 'life itself is good and sweet,' because it adds to the number of happy beings. Nor, I believe, does a fair amount of work lessen an animal's happiness more than a man's: nay, an animal has so much less to care for, to think about, and to amuse itself with, that life may well be same without work. I would even go further and say that work—at least of such a kind that he can see what comes of it—*must* increase an animal's pleasure in life because it adds that pleasure which arises from a feeling of achievement—a feeling which no one who has watched animals can deny to them.

But I cannot allow the owner of an animal

the right of working it, even within the bounds of health, as heavily as he chooses. He can claim from it useful work enough to pay him for its food (and its cost, if he bought it), and to yield him a fair gain; but, so much done, the animal is free of its debt to him and recovers its natural rights of rest and recreation—both of which, especially the latter, are too often denied it.

And here let me further say that the master of an animal is not less bound to treat it with kindness and * courtesy than if it were an human servant, in some ways more so, since its service is more forced and since it is mostly less able to understand all that is wanted of it. An old Hebrew commandment,† "Thou shalt not muzzle the ox when

* "*Ellesmere.* I like the idea of using courtesy to animals. They are very appreciative of politeness, and observant of the reverse."—*Some Talk about Animals and their Masters*, p. 101.

† Deut. xxv. 4.

he treadeth out the corn," might well be taken as the text of some of the too * few sermons preached on our duties to animals; and I can never read with calmness the remark of Paul,† "Doth God take care for

* "I am not a great frequenter of preachers now; but, upon a moderate calculation, I think I have heard, in my time, 1,320 sermons; and I do not recollect that in any one of them I ever heard the slightest allusion made to the conduct of men towards animals. I think that it would not have been a wasteful expenditure of exhortation if in two per cent. of these sermons the human treatment of animals had been the main subject of the discourse."—*Some Talk about Animals and their Masters*, p. 19. My memory tallies with that of "Mauleverer": but many years ago I did hear a sermon on the text "for his mercy is over all his works" in which the preacher urged the likelihood that God would bestow an after life upon animals as well as men. And it is right to say that sermons on kindness to animals are sometimes given: the *Animal World* for 1877 prints four such, and mentions another.

† 1 Cor. ix. 9, 10. It may be rendered "Is God taking care for the oxen?" but even then the fact remains that Paul did not think the command if given simply on behalf of animals would be in place in the Law.

oxen? Or saith he it altogether for our sakes? For our sakes, &c."

Hitherto I have said nothing about the keeping of animals for pleasure rather than use—in a word of pets. Many * *captive* pets, especially captive birds, are bereft of their freedom only for man's pleasure, and not because of any struggle for food between him and them: indeed as captives they mostly cost more than when free.† This is a breach of right for which I see no warrant.

Here we may consider the shutting up of wild animals in zoölogical gardens and beast-shows. Harmful animals, and animals with whom man has to struggle for the fruits of the earth, may of course be so shut up: they gain by it, for otherwise they would not have been let live. On the other hand, it does

* I am not speaking of pets bred from captive parents: these it would in many cases be cruelty to set free.

† Birds, indeed, when wild save more green food by killing worms than they eat for themselves.

not seem warrantable to shut up animals caught in places where man does not dwell. Seeing, nevertheless, how much it is for the good of animals that their nature and ways should be thoroughly known to men, seeing also that the right broken through is the right not of life but of liberty, and that its breach is far as may be atoned for by a kindness which often ends in the animal's becoming quite tame, it may be thought allowable to shut up a certain number of such animals in zoölogical gardens or the vivaries of zoölogists. But whether those taken about in wandering shows are treated with a like care and kindness, and whether such shows serve any good end, is to my mind very far from sure.

We have only now to consider the *third* course, that of allowing breeding but killing the offspring for our food, our instruction, or our pleasure. Much fellow feeling as I

have with those who deny that this course may be taken, I cannot agree with them. In the debate on field-sports begun by Mr. Freeman some years ago it was urged by one of his critics that but for foxhunting the fox of to-day would never have come into life, that he was happier than he would in that case have been, and that foxhunting was therefor allowable. This writer was at once charged with a fallacy akin to the mathematical fallacy of treating o as a quantity—non-existence being the equivalent to o. Yet I cannot help thinking that, otherwise put, the argument is a sound one. The most suffering, the most cynical, the most death-dreading of us men hardly in his inmost heart wishes that he had never been born, or, if sure annihilation were offered him to-morrow, would take the gift. The fox is in all likelihood anything but an unhealthy pessimist, and any fear of death which he

may feel is most likely owing only to his unwillingness to leave life: we may pretty safely take it that if he were able to understand and answer the question he would choose life with all its pains and risks to non-existence without them.

But let us first take the case of those animals which are killed for their material produce. It is clear that if man be warranted in killing any animals which he himself has bred he is warranted in killing those whose flesh can be used for food, and whose death will therefor lessen the struggle for food in a twofold manner. But it must be borne in mind that we are speaking only of animals which are man's rivals in the struggle for the fruits of the earth, and that we have hitherto allowed no breach of the rights of such as do not come either under this head or under that of harmful animals. Do fresh or salt water fish or crustaceans hamper man's comfort or

eat up his food? And, if not, on what ground may they be killed? It may be answered that if none of these were killed more land-animals would be killed for food; that their death allows more land-animals to be kept alive for other purposes; and that this sharing of risks is only fair to the latter, the more so as they stand higher in point of intelligence and usefulness. Is this plea sound?

And, if it is, what can be said for the slaughter of those other animals living outside the parts of the earth from which man gets his food which are hunted not for their flesh but for some other product? What claim has man's luxury (for truly it is not his need) upon the life of the chamois, the seal, the ermine, the auk, or the humming-bird *?

* I only give these as examples of a large class, for the slaughter of which woman has chiefly to answer. *Land and Water* of Dec. 29, 1877, says "Birds of

Even of those animals which may reasonably be killed for food I am not sure whether to please our taste for flesh we do not kill far more than we need kill—need kill from the

paradise, after having enjoyed an immunity from fashion for some years, are now again in demand. They will soon disappear from the face of the earth if something is not speedily done to protect them from 'gentle woman.'" The *Spectator* of the same day has a letter from a writer who complains that the *eleven* bridesmaids at a certain wedding wore dresses trimmed with "swansdown, mixed with holly-berries, mistletoe, and *robins*," wonders how many robins went to trim those eleven dresses, and asks whether 'no one will teach girls to have a higher feeling for, and a better appreciation of, some of the most beautiful of God's creations than to think only of the effect of them upon white dresses, tastefully mixed with holly-berries and mistletoe.'

Ladies of England—for your poorer sisters have far less share in this guilt, and at worst they do but copy you—ladies of England, have cotton and flax, the sheep and the silkworm, the spinner, the weaver, and the dyer, provided so little for your comfort and your adornment that you must go clad in the murder of happy harmless creatures? Ask yourselves this question when you are tempted to buy what cost them life, and rather than do it dare even—to be out of fashion.

economic point of view, for there can be no question that vegetable food alone will keep a man in the best health and strength.* Nor

* I need only quote the well-known book *Foods* by Dr. Edward Smith (in the 'International Scientific Series') :—"Seeing, moreover, that the source of flesh in animals which are used for food is vegetables, it follows that vegetables should have the same elements as flesh, and it is a fact of great interest that in vegetables we have foods closely analogous to the flesh of animals. Thus, in addition to water and salts, common to both, there is vegetable jelly, vegetable albumen, vegetable fibrin, and vegetable casein, all having a composition almost identical with animal albumen, gelatin, chondrin, and casein . . . . it is possible to find vegetable foods on which man could live as long as upon animal food alone. Bread is in vegetable foods that which flesh is in animal foods, and each within itself contains nearly all the elements required for nutrition" (pp. 8, 9).

I find among my papers the following passage copied from the *Pall Mall Gazette* of Aug. 14, 1875, which is worth adding :—"The consumption of meat might, there can be little doubt, be reduced with great advantage. Even hardworking labourers in Scotland manage to subsist on oatmeal porridge and to enjoy health and strength above the average, while thousands of brawny Welshmen have thriven for centuries on a vegetable diet. Yet many persons in this country, who never did and

do I like the early slaughter of animals (such as lambs, calves, sucking-pigs, and chickens) which if let live longer would give more food of at least equal strengthening power. The breeder may sometimes have to kill his lambs and calves for want of pasturage; and a part of the animals bred for early slaughter *may* owe their lives merely to a medicinal demand for their flesh—though they would most likely have been bred anyhow. But

never will do a day's hard work in their lives, gorge themselves with meat at breakfast, at luncheon, at dinner, and often at supper, to the detriment of their health and purses."

I will not judge a case without hearing both sides, but Lawrence's chapter 'On Draught-Oxen' (2nd ed., ii. c. 3) and seeing the extent to which they are used abroad have made me doubt whether their entire disuse for draught in England has not been a mistake, and whether many of those which are now sent to the butcher might not better be put to the wagon or plow.

Vegetable food is known to be much cheaper than flesh-food. It is also known that the grass-land which yields flesh-food enough for one man to live on would yield vegetable food enough for several men. There are social conditions in which these things are worth thought.

it strikes me that this reasoning does not cover most cases of early slaughter and that, after all, the *poet who wrote that much criticized line

The lamb thy riot dooms to bleed to-day

would not need a jury of vegetarians to acquit him of downright stuff.

However these things may be, it must at least be granted that the pain of an animal's death should be lessened as far as it can—that death should be swift, painless, and undreamt of. And I fear that our present way of slaughtering animals needs to be greatly bettered in all these points. There is no need to *see* whether the slaughter of a pig is swift and painless or not. But I have watched the slaughter of an ox and a sheep. The animal was kept waiting some time in the slaughterhouse, round which (at

* Pope, *Essay on Man*.

least in the case of the sheep) were hung carcases and skins of its fellows, so that it can hardly have helped seeing what lay in store for it. The ox had to be hauled about with ropes fastened to the head to get it into a fit position: it was then felled with a poleaxe, which did not take away its feeling, and a piece of wood was worked round in its brains while it lay groaning. I think the sheep's throat was cut, without its being felled. And, if in the latter case another sheep was not kept waiting in the slaughterhouse (as I almost seem to remember), there were certainly others in the yard outside harkening through the wide open door to the bleats of their dying mate. These are not at all picked cases, but the only cases I ever saw. I saw them maybe fourteen years ago in the slaughterhouse of the largest butcher in a goodsized town within 30 miles of London. The slaughterhouse

had an open window looking out on a foot-thoroughfare, the chief approach to the church: any one might stand at the window and watch, as I did. It is clear, therefor, that the very well-to-do tradesman who killed his animals after this wise was not afraid of damaging comparisons.

I pass from animals killed for their material produce to animals killed for man's instruction—some of which are killed to serve as zoölogical specimens, and some vivisected.

As to the former, I altogether deny that an animal can be justly killed unless it be a harmful animal or one which is man's rival for food: unless it comes under one of these heads, you have as much right to kill it for a 'specimen' as you would have to kill a rare kind of Polynesian savage for the same purpose. If there be ground to look for a real gain to knowledge, catch your animal, treat it kindly, and when it dies stuff or

mount it, and you can go your way glad and, I hope, blameless.

The encouragement given to boys to collect insects makes me thoroughly angry: not one boy-collector in a hundred becomes a naturalist, nor if it be wanted to make him one is this the way to begin teaching zoölogy. The truth is that boys collect insects partly, as they collect postage-stamps, because they are pretty and curious, partly because they are proud to have a 'collection' of anything: I have even seen boys collect pens of different shapes. They mostly learn nothing from doing so but that they may take the life of an animal for any whim that seizes them.*

* If any schoolboy reads this book, let me tell him what I want him *not* to do. Not to hurt animals, or to kill them for specimens, or to buy animals killed for that purpose, or to take or buy eggs, or to keep native wild animals that were not born captive. I dare say he will think I am asking him to forgo a great deal of pleasure:

And now for vivisection. Here the abstract rule of right is the same. Let me put a case. It will not be denied that the main end of vivisection is to throw light not on animal but on human physiology, and to improve not veterinary but human leechcraft: nor will it be denied that this end would be fulfilled far better by the vivisection of men. Yet all England would shriek itself dumb at the man who should propose to vivisect other men, against their will, for the advancement of physiological knowledge and the good of the race. No one, or scarcely any one, would hold that a man's life may be taken even for this end. But animals have no right of life—they were 'given to us.' And so, when

but, if he will believe me, he will gain far more pleasure as he walks the lanes and fields and woods and passes unharmed and unscared the beetle in his path, the mouse in the hedge, and the bird on the bush, and feels that no living thing can reproach him with causing it death or wretchedness.

the men of science told the general public that the crusade against vivisection was only 'sentiment,' which must not be allowed to stand in the way of human progress,* the general public had no very clear answer to make.

I of course am one of the sentimentalists, lucky if I be not also called 'sickly,' 'mawkish,' or 'milk-and-water': but much against my own feelings I do see a warrant for vivisection in the case of harmful animals and animals which are man's rivals for food.

* I cannot help quoting a passage from Lawrence, with some italics of my own:—"The experimental tortures which are inflicted upon poor guiltless animals are said to be for the furtherance and improvement of science. Granted. Yet it is an advantage not honestly obtained, but by fraud and cruelty. There are also other short cuts to interest in the world about the honesty or justice of which it becomes us to be silent. It has been said that the world could not have either gold, sugar, or coals, but at the expense of human blood and human liberty. *The world in that case ought not to have either gold, sugar, or coals.*"

If an animal is doomed to be killed on other grounds, the vivisector, when its time comes, may step in, buy it, kill it in his own way, and take without self-reproach the gain to knowledge which he can get from its death. In *these* cases I do not even see why vivisection should not be practised to show physiological facts already known. And my 'life is sweet' theory would further allow of animals being specially bred for vivisection—where and where only they would otherwise not have been bred at all.

But I do very strongly cry out against vivisecting an animal *before* its time, and still more strongly against the vivisecting those home-pets whose lives but for the vivisector would never have been taken at all. If the police of a town make a raid on strayed dogs, and no owners or buyers rescue them, let these dogs be handed over to the vivisector rather than shot or poisoned

by the police. But in a very large number of cases the animal vivisected is a pet procured (too often stolen *) from its owner by men who make a trade of supplying vivisectors.

In all cases the vivisection should of course be conducted under the strongest anæsthetics and the animal should have no suspicion beforehand of the kind of treatment to which it is to be put.

* See Mr. Hutton's addendum to the Report of the Royal Commission on Vivisection.

I find also on p. 59 of Mr. Jesse's published account of his evidence before the Royal Commission the following quotation from p. 334, vol. 1, of Cooper's *Life of Sir Astley Cooper*:—"To obtain these" [dogs for vivisection] "Charles used to employ the servants, or any person indirectly connected with my uncle's establishment, and, to induce them to procure them, used to allow half-a-crown for each dog as soon as it was safely housed in the premises. This temptation, I have reason to believe, led to a frequent breach of the laws relating to dog-*stealing*, for my uncle's old coachman has lately given me some idea of the system by which these animals were kidnapped into this scientific receptacle."

Last of all I take the case of animals *bred* that they may be killed for the mere pleasure got by man in the killing of them. I have already given what I look on as a passable defense of the mere breach of right. But, fond as I am of all kinds of outdoor pastime—the more sturdy the better—I cannot find happiness in a sport which entails the death of a happy creature, nor do I see how any one of true humanity can do so. Yet people who cannot abide the *business* of a butcher have no harsh word or thought for the *pleasure* of the gentleman, unless indeed the animal is to all intents trapped beforehand and a few hundred birds fall in a day's battue or an afternoon's pigeon-shooting. I believe that such sports are death to any true sense of our duties to animals—that no man *can* so slaughter thousands, hundreds, or even scores of animals, without coming to look on his own

pleasure as the reason for an animal's existence and the justification for its death.

* Professor Stanley Jevons, in an article on 'Cruelty to Animals' in the *Fortnightly Review* for May, 1876, says "From my own observation I can affirm that many sportsmen acquire a taste for the simple wanton destruction of life apart from all ulterior purposes. Provided an animal will only make a good moving target they want to shoot it. They will do this at sea, in woods, and inaccessible places where there is no possibility of recovering the animals, or of putting them out of pain if badly wounded. In Norway and Australia I have frequently seen the sporting instinct of the English develop itself in freedom, and I can only conclude that "sport" is synonymous with the love of the clever destruction of living things."

The *Illustrated London News* of April 26, 1879, has a drawing of "a scene on board during the passage of that ship round from Capetown to Durban, when some of the officers and men amused themselves by firing with pistols at the sea-fowl, which was called 'practising for the Zulus.'" Of course the sea-fowl were not recoverable, so that their slaughter was only an example of "the love of the clever destruction of living things."

A high authority on matters of this kind, himself strong against foxhunting, tells me that foxhunters are for the most part very humane men, and asks me how I account for that. Well, put it the other way, and

And now, before I end, a few words on our fulfilment of a duty on which I hope every one agrees with me, the duty of doing what we can to lessen animal-suffering. How much *do* we do to lessen it? I do not mean how many times have we thrown out of the window a few crumbs that we had nothing else to do with: but how much trouble, time, or money have we ever given to this good end? There are certainly three associations for charity to animals in London

I can account for many very humane men being fox-hunters. By a 'legal fiction' the fox is hunted as an enemy to society; the ordinary foxhunter scarcely ever sees the death of a fox: he does not himself kill it: and the number of foxes a week whose sufferings can be laid to the door of an entire hunt does not equal the number of birds which a good shot kills in one morning from his own gun. I would even go further and say that the heed which a foxhunter is *driven* to give to signs of distress in his own horse may make him more heedful of the signs of animal-suffering in general, and, since much cruelty is only heedlessness, may so far help to make him a more humane man.

alone: there may be more than three. There is the Home for Lost Dogs (Lower Wandsworth Road, Battersea); there is the Metropolitan Drinking-Fountain and Cattle-Trough Association (111 Victoria St.), which in 1877 alone put up 58 new cattle-troughs, and which pays as much as £30 a year for the water at one fountain and trough; and there is the Royal Society for the Prevention of Cruelty to Animals (105 Jermyn St.), whose officers scattered over the country obtain some 3000 convictions for cruelty in a year, and which lately offered no less than £400 as premiums for improved cattle-trucks. How many of us have ever given a penny to one of these three? For myself, I cannot mind having spent in the first 24 years of my life anything whatever in charity for animals, nor in the first 28 years more than 1*d.* I hope that I have been

much more thoughtless than most people, but I very much fear that it is not so.

And now I have nothing more to say than that, however this little book may be received, I shall in no case be sorry for having written it, and that I shall be fully repaid if it draws the serious and fruitful thought of even a few men, women, or children to our duties towards the rest of creation.

APPENDIX.

EXTRACTS FROM JOHN LAWRENCE.

INTRODUCTORY NOTE ON JOHN LAWRENCE.

I HAVE not been able to find more than two notices of this remarkable writer. The one is in *A Biographical Dictionary of the Living Authors of Great Britain and Ireland*, published in 1816: the other is in Donaldson's *Agricultural Biography*.

The *Biographical Dictionary* splits up Lawrence into two men, John Lawrence and an imaginary John Laurence! Of the latter it says nothing except that he was the author of one of the books written by the real Lawrence. Of John Lawrence it says that he was "a literary farmer," gives an incomplete list of his works, with dates, and adds that he "has also several papers in the Commercial and Agricultural Magazine, the Monthly Magazine, etc." It mentions his *Philosophical*

and Practical Treatise as "2 v. 8vo. 1798; 3d edit. 1809," whereas the first edition was in one volume and was published in 1796, while the third edition was published in 1810!

Donaldson calls him Lawrence in his index and the heading to the notice, and Laurence in the notice itself, and says that he was "a veterinary surgeon," which Lawrence himself plainly tells us he was not! Donaldson says that the *Philosophical and Practical Treatise* was very well received, remarks on a few of his other works, and with regard to one of them says "The author had a great facility of writing, and his language flowed most promiscuously. But everywhere, in the mass, there are displayed acute perception, shrewd ideas, and very enlightened views of the pertinent subjects which are treated."

I cannot now try to build up a life and character of Lawrence, though, if a second edition of this essay is ever called for, I may do so then. I will, however, put down a few things about him which I have gathered from glances at one or two of his writings. He was an Essex man, and in 1761 was "very young," not so young, nevertheless, but that he "knew" a certain gentleman "personally" and was able to describe 59 years later a monument

which he saw in that year, with the visit of the new Queen to Colchester. He was then either living or staying at Tolleshunt Darcy, not far from Colchester, in which latter place he had "friends"; and, since a family of Lawrences certainly lived at Tolleshunt Darcy in the earlier half of the century before, that may have been his home. Tolleshunt Darcy, however, he left in 1761, and up to 1820 had never seen it again: he seems to have taken leave of Colchester at the same time. At the age of 15 he wrote in favour of kindness to animals—whether an essay, or what else, he does not say. His first visit to Smithfield was in 1777, from which we may guess that he had begun to breed live stock by that year. In 1787 he was living at Bury St. Edmunds, and had begun a *series of works on land-management, farming, tame animals, and sports, which are spread over a period of 42 years. He was indeed a farmer and breeder

* I have found out from an advertisement at the end of the last of these that he was the author of *A Treatise on Domestic Poultry, Pheasants, Pigeons, Rabbits, Swine, Dairy-Cows, Bees, and the Private Brewery*, published under the assumed name of Bonnington Moubray, and of *British Field-Sports* and *The Sportsman's Repository*, under the name of W. H. Scott. It is well to mention this because Watt, Allibone, and the British Museum catalogue treat Moubray as a distinct person, while Allibone makes a third person of Scott (whose works are altogether unknown to the other two).

—it would seem, on a large scale—but while a keen follower and critic of veterinary science he expressly disclaims any professional knowledge of it. His *Philosophical and Practical Treatise on Horses and on the Moral Duties of Man towards the Brute Creation* was published in 1796 in a volume of 700 or 800 pp., at the price of 14*s.*; a second edition of more than 1000 pp., and in two volumes, appeared in 1802; and a third and last edition of about 1200 pp., also in two volumes, in 1810. In this year he calls himself a resident in the environs of town, and in later years dates his letters to the *Gentleman's Magazine* from Somers Town. In either 1821 or 1822 Martin of Galway, before bringing into Parliament his bill against cruelty to animals, consulted Lawrence, whose advice showed him to be the more clearsighted and politic of the two. After 1824 Lawrence seems to have stopped writing to the *Gentleman's Magazine*, but in 1829 he published *The Horse in all his Varieties and Uses*. He must then have been nearly 80, and after that year I know as yet no more of him. He was a married man, and there is reason to think that he had at least one child.

He was well educated, quoting Latin classics, French authors, and English poets very often, and

his letters to the *Gentleman's Magazine* show a love of antiquities. In politics he was a strong liberal—in favour of the *principles* of the French Revolution, the abolition of the slave-trade, and (it would seem) of universal suffrage: but he hits hard at the economic fallacies of extreme democrats. In religion he was very hostile to Puritanism, and satirizes its professors as "wearying out patient heaven with everlasting impertinence."

Of his worth as a writer on agricultural and veterinary matters I cannot judge, but the impression which he leaves on my mind fully agrees with the estimate of Donaldson. Lawrence himself in the forewords to the first edition of his *Philosophical and Practical Treatise* apologizes for its "weak and defective, and, too probably, prolix and tedious execution"; speaks of it as "the offspring of a mind not the most brilliant by nature, enfeebled and rendered confused and irritable from chronic bodily weakness, and of a memory at intervals scarcely sufficiently retentive for the ordinary purposes of life"; and disclaims all pretense to style, imagination, or expression. I cannot but think that he has done himself great injustice.

Something has yet to be said of his habits and

pleasures. He was fond of music and of conviviality—but not when it ran into excess. He seems to have taken a good deal of interest in racing and trotting, and also in pugilism—believing that from its studied fair play, "its deliberate and punctilious equity of circumstance and regulation," "an English blackguard learns more humanity and good morals in seeing a regular boxing-match than it is probable he would in hearing five dozen of sermons," and wishing to encourage the use of the fists as an outlet for passions which in other countries vented themselves in the use of knife or stiletto. It seems strange that he also found a justification for cock-fighting in the voluntariness of its combats, but he 'never spent an hour in a cockpit in his life, nor had ever taken much pains to consider how far a man of reflection can or ought to be diverted by such an exhibition.' The baiting of bulls and other animals he never witnessed without "horror and detestation mounting up almost to phrenzy." Foxhunting he defended, but 'feared it was attended in every hunt with a number of gross and useless acts of cruelty', and 'never rode a hunting in' his life, although he had possessed, sent into the field, and sold

many a good hunter': in his last work he goes so far as to say that he "ever detested" this sport. But for hare and stag hunting he had not only no liking but no excuse: "Alas! what crime hath the timid hare committed, or the deer which weeps, that they are made to undergo the horrid punishment of being harassed by mortal affrights and tortured, torn, and mangled to death by piecemeal?"

Of his general views with regard to animals he shall speak for himself, and I shall be surprised if the reader does not agree with me that few men have better deserved to have carven on their tombs the words of Chaucer

Al was conscience and tendre herte.

Extracts from a Chapter 'On the Rights of Beasts,' by JOHN LAWRENCE, *author of 'A Philosophical Treatise on Horses, and on the Moral Duties of Man towards the Brute Creation.'* *

ON THE RIGHTS OF BEASTS.

E'en the poor beetle that we tread upon
In corporal suff'rance feels a pang as great
As when a giant dies—

NOTWITHSTANDING the constant and professed aversion of a considerable part of mankind to the discussion of abstract principles, it appears to me an axiom that truth, be whatever the subject, is to be discovered by no other mean; and that they who form a judgment upon a less laboured process will obtain only a superficial knowledge, which may urge them to determinations in opposition to the laws of justice and

* Taken from the 2nd ed., 1802, in the library of the London Institution, and the appendix to the 3rd ed., 1810, in the library of the Royal College of Veterinary Medicine—to whose Secretary, Mr. W. H. Coates, my best thanks are due for leave to consult and make extracts from it. The 1st ed., 1796, I have never seen. Not one of the three editions was to be found in the British Museum, the London Library, the library of the Athenæum Club, or the Guildhall Library, and my inquiries for any of them at the chief secondhand booksellers were in vain, though I have since got a copy of the 3rd ed.

I have kept Lawrence's division into paragraphs and his spelling, but not (except in the case of full stops) his punctuation.

humanity, and to the general interests of society with which their own must be necessarily involved. This observation applies materially to the subject before us. The barbarous, unfeeling, and capricious conduct of man to the brute creation has been the reproach of every age and nation. Whence does it originate? How happens it that so large a portion of cruelty remains to tarnish the glory of the present enlightened times, and, even to sully the English character, so universally renowned for the softer feelings of humanity? We are to search for the cause of this odious vice rather in custom, which flatters the indolence of man by saving him the trouble of investigation, and in the defect of early tuition, than in a natural want of sensibility in the human heart or in the demands of human interest.

It has ever been and still is the invariable custom of the bulk of mankind—not even excepting legislators, both religious and civil—to look upon brutes as mere machines; animated, yet without souls; endowed with feelings, but utterly devoid of rights and placed without the pale of justice. From these defects, and from the idea, ill understood, of their being created merely for the use and purposes of man, have the feelings

of beasts, their lawful, that is natural interests and welfare, been sacrificed to his convenience, his cruelty, or his caprice.

It is but too easy to demonstrate by a series of melancholy facts that brute creatures are not yet in the contemplation of any people reckoned within the scheme of general justice; that they reap only the benefit of a partial and inefficacious kind of compassion. *Yet it is easy to prove, by analogies drawn from our own, that they also have souls; and perfectly consistent with reason to infer a gradation of intellect from the spark which animates the most minute mortal exiguity up to the sum of infinite intelligence or the general soul

* Compare the following in an earlier part of the book (i., p. 79):—"The Horse is endowed with such as we are compelled to denominate qualities of mind—namely, perception, consciousness, memory, free will: in these originate love, hatred, fear, fortitude, patience, generosity, obedience, a limited sense of justice. He reasons; he therefore possesses an immortal and imperishable soul. . . . Because I am infinitely inferior in the power of reasoning to Socrates or Hume, does it follow that the portion which I possess is not reason but instinct? If so, to be quit with you, I shall take the liberty to assert that the mighty powers of those men were nothing more than a superior degree of instinct. The reasoning faculties of brutes do not seem capable of taking a very extensive range, but experience evinces that they are highly improveable. They reason correctly enough from simple ideas, but are incapable of much combination and seem to derive little or no benefit from analogies."

of the universe. By a recurrence to principles it will appear that life, intelligence, and feeling necessarily imply rights. Justice, in which are included mercy or compassion, obviously refer[s] to sense and feeling. Now is the essence of justice divisible? Can there be one kind of justice for men and another for brutes? Or is feeling in them a different thing to what it is in ourselves? Is not a beast produced by the same rule and in the same order of generation with ourselves? Is not his body nourished by the same food, hurt by the same injuries; his mind actuated by the same passions and affections which animate the human breast; and does not he also at last mingle his dust with ours and in like manner surrender up the vital spark to the aggregate or fountain of intelligence? Is this spark, or soul, to perish because it chanced to belong to a beast? Is it to become annihilate? Tell me, learned philosophers, how that may possibly happen.

If you deny unto beasts their rights and abandon them to the simple discretion of man in all cases without remedy, you defraud them of those benefits and advantages acceded to them by nature herself, and commit a heinous trespass against her positive ordinances, as founded on natural justice. You

deprive them in a great measure even of compassion. But previous to an attempt to vindicate the rights of animals it is no doubt necessary to determine specifically in what they consist. They arise then spontaneously from the conscience or sense of moral obligation in man, who is indispensibly bound to bestow upon animals, in return for the benefit he derives from their services, "good and sufficient nourishment, comfortable shelter, and merciful treatment; to commit no wanton outrage upon their feelings, whilst alive, and to put them to the speediest and least painful death, when it shall be necessary to deprive them of life." It is a lamentable truth that the breach of these obligations has ever been attended with impunity here; but, if we suppose that such will be the case hereafter, the very foundation of the doctrine of future rewards and punishments is at once swept away. *La morte est sommeil eternel.* We may as well at once adopt the imperfect principle of Diderot, who in his *Jean le Fataliste* instructs us that, "could we take a view of the chain of causes and effects which constitutes the life of an individual from the first instant of his birth to his last breath, we should be convinced that he has done no one thing but what he was necessarily compelled to do."

I am aware of a small sect of *Bramins* among us who are disposed to proceed a step beyond me, and to deny that nature has conferred any such right on man as that of taking the lives of animals or of eating their flesh. These, I suppose, are the legitimate descendants of the saints of Butler's days, who were for

> —— abolishing black-pudding
> And eating nothing with the blood in.

Certain philosophers there are also in Paraguay (if travellers may be depended upon) who will not eat sheep lest they should get children covered with wool—a very rational apprehension *a priori*, no doubt. Noxious and dangerous animals, I suppose, are included in this system of extreme sensibility; and in order to carry it to full perfection it would become necessary to build hospitals for lice and fleas. It is true every custom, however ancient or universally established, ought to be subject to the tribunal of reason; and this, of killing and feeding upon the flesh of animals, will, I apprehend, abide the severest scrutiny. Nature herself by rendering it necessary has established the legality of putting a period to harmful or useless existence; she has also established the carnivorous system upon the same foundation; and the pretended superior salubrity

to man of feeding entirely upon the fruits of the earth is warranted by neither reason nor experience. By the scheme of universal providence the services between man and beast are intended to be reciprocal, and the greater part of the latter can by no other means requite human labour and care than by the forfeiture of life. Were it not permitted to man to destroy animals, it is evident they would overstock the earth, and in numberless cases it is an act of mercy to take their lives.

Thus much for the theory of right in animals, which, I trust, will not be controverted by those of sound minds and feeling hearts, to whom this chapter is more particularly addressed. But the bare acknowledgment of the right will be of small avail to the unfortunate objects of our solicitude unless some mode of practical remedy can also be devised. On that head I shall venture to deliver my sentiments.

The grand source of the unmerited and superfluous misery of beasts exists, in my opinion, in a defect in the constitution of all communities. No human government, I believe, has ever recognized the *jus animalium*, which surely ought to form a part of the jurisprudence of every system founded on the principles of justice and humanity. The

simple right of these four-legged and mute citizens hath already been discussed. Experience plainly demonstrates the inefficacy of mere morality to prevent aggression, and the necessity of coercive laws for the security of rights. I therefore propose that the Rights of Beasts be formally acknowledged by the state, and that a law be framed upon that principle, to guard and protect them from flagrant and wanton cruelty, whether committed by their owners or others. As the law stands at present, no man is punishable for an act of the most extreme cruelty to a brute animal but upon the principle of an injury done to the property of another; of course the owner of a beast has the tacit allowance of the law to inflict upon it, if he shall so please, the most horrid barbarities. If such enormities had never been or were not now too frequently perpetrated these speculations had never seen the light.

† * * *

It results from such premises that, unless you make legal and formal recognition of the Rights of Beasts, you cannot punish cruelty and aggression

† Here follows a recital of some awful barbarities with which it is needless to sicken the reader of to-day, and of the state of the law (quoted at the beginning of my third chapter), which allowed a man to inflict any conceivable torture on an animal that was his own property.

without trespassing upon right of property. Divest property of the usurped and fictitious addition to its right, and you have the means of protecting animals and securing the dearest interests of morality.

† * * *

No true and lawful, that is to say, rational, useful, and delightful sports would be interrupted by this regulation, but rather confirmed, illustrated, and improved. No right of property would be infringed in the smallest degree. The manners of a people are necessarily formed by the government under which they live, and an injunction proceeding from such high authority, in support of natural justice and in favour of the helpless and unoffending part of the creation, would in process of time have the happiest influence upon the feelings and moral conduct of men. It would be the first step towards those auxiliary measures necessary to render the system of humanity effectual and complete, which are to make the rights of beasts a material branch of education, and to afford a sanction to those who are emulous to stand forward volunteers in the noble cause of justice and mercy.

† An enumeration of some of those "hellish nuisances, miscalled sports," which were common in those "good old times," and which likewise I would rather not quote.

It is now necessary to attend to the practical part of the subject, to adduce such examples as experience and recollection may suggest, and to afford such hints as, I hope I may flatter myself, will produce some small tendency towards the desired reformation. I have been by no means unmindful, from the beginning of this chapter, of the censure and ridicule to which I am exposing myself from the indolent, the prejudiced, and the naturally hard-hearted; and it is pleasant to reflect that without doubt such have already provided me with a snug corner in the holy temple of Methodism. But I assure myself that the humane and philosophic will support with their countenance the man who is engaged in defending the cause of the innocent, the helpless, and the oppressed: and even if otherwise I will place my foot upon the everlasting pillar of truth, still open to conviction, and I will look down with the calmest indifference upon all such animadversions as are the result of precipitant thinking or interested sophistry. Besides, the time has arrived when we all ought to challenge the right of speaking our minds freely and without reserve, be whatever the subject. There is no other road to truth and reformation. Let us pledge ourselves one and all to follow it.

Of all things in the world, however, let me not be suspected of desiring to abridge the pleasures and enjoyments of life: on the contrary, I shall be found in the course of this work a willing although perhaps a weak advocate for all those sports which inspire mirth and hilarity and promote health by steeling the constitution with pleasant labour. It requires only a just turn of thinking and a due contempt for blind and stolid custom to feel convinced that pleasurable sensations and cruelty are incompatible.

Nature seems to have divided human and even brute minds into two classes—such as are indifferent to, or have a hearty contempt for, helplessness and distress, and such whose hearts are ever attracted by suffering misfortune, and who from a natural impulse range themselves by its side. These last have hitherto been invariably in the minority. The majority, or men of the concrete, who detest abstract principles, and who wish to keep things as they find them, will insist upon the impossibility of ameliorating the condition of brutes, and therefore they will not attempt it. They will alledge* that all animals are naturally in a state

* Compare a passage in the chapter "On the Philosophy of Sports" (ii., p. 14):—"I know from the analogy of instinct in the hound it

of warfare and prey upon each other; that compassion seems excluded from the system of nature, and therefore they infer no necessity for it. They may say with Hume "they know not by what principle brutes claim justice at our hands." Because a certain portion of evil is necessary and unavoidable, they are too indolent to be at the pains of discrimination to determine how much the mass may possibly be reduced; the obvious impossibility of attaining perfection disheartens them and prevents all effort. But there is a duty attached to the very nature of man and, although the most important of all other, perpetually overlooked—it behoves us in all things to make the nearest possible approach to perfection. We cannot prevent the misfortunes of beasts; they must have their share of suffering: but let us permit no unnecessary or wanton additions to that load, sufficiently heavy, which nature has imposed. Material nature is brute and indiscriminating, until its blind and headlong energies are illumined and regulated by the reasoning faculty, which is destined to expand and improve by use and culture; and

will here be said we are following nature: but it is brute nature, uninformed and unillumined by reason, which is the soul, and ought to be the director, of nature."

the first sentiments of a good heart will be those of pride and exultation at the sense of its superiority over the mere animal system.

Whilst the idea is suffered to prevail that pleasure or profit may be lawfully derived from the most barbarous outrages on the feelings of brutes, it is vain to expect reformation. For instance, if a surgeon may lawfully dissect a wretched animal alive, or, by studiously wounding its most sensible parts,* keep it in a continued state of the most exquisite and agonizing torture even for whole days and nights, under the pretext of making an experiment for *the profit* of science, it is certain that the feelings of animals will never be permitted to stand in the way when profit of any kind is the object—not only that the general principle (which is in its nature universal and unalterable) will then fully authorize the practice, but that the bulk of mankind, the mere creatures of custom, will be but too ready in all collaterals to follow the example.

† * * * *

* Anæsthetics (not always used in our times) were then unknown.

† Here follows a condemnation of the practice of "moderating and fitting principles for human use, instead of fitting the human mind for the reception of true principles:" after which he argues that, "if cruelty be allowable in any case towards brutes, it also involves human creatures," says that Hierophilus vivisected men, and tells the story of Parrhasius torturing a slave to death that he might paint a Prometheus from him.

The experimental tortures which are inflicted upon poor guiltless animals are said to be for the furtherance and improvement of science. Granted. Yet it is an advantage not honestly obtained, but by fraud and cruelty. There are also other short cuts to interest in the world, about the honesty or justice of which it becomes us to be silent. It has been said that the world could not have either gold, sugar, or coals but at the expense of human blood and human liberty. The world in that case ought not to have either gold, sugar, or coals. The principle admits of no qualification. But the assertion was fallacious and unfounded; those comforts are all attainable by honest means, by voluntary and fairly remunerated industry. By the same rule I firmly believe the wit of man to be fully competent to the attainment of all the necessary or possible anatomical knowledge from the examination of dead subjects, although perhaps it may not be thence so quickly attainable; and I could as easily suppose human sagacity unable to calculate the motions and measure the distances of the heavenly bodies without the aid of a ladder reaching up to the skies as that it could be incompetent to make all the necessary discoveries touching the animal œconomy without having recourse to the

unnatural, cruel, and infamous means of dissecting living bodies.

It will be urged that the admission of brutes to those rights of which they are capable under the social contract might intrench upon private property and be productive of trifling, ludicrous, or vexatious litigations. I answer, and I think I am as much in earnest as General Dumouriez,

Fais ce que dois
Avienne que pourra.

That I think also to be the proper answer to an infinite number of *ifs* and *ands*, which it has ever been the fashion to start in prevention of right. A man may say 'I bought the beast with my money, it is my property; who shall hinder me from doing unto it according to my pleasure?' You bought him with your money, it is true, and he is your property; but, whether you are apprised of it or not, you bought him with a condition necessarily annexed to the bargain. You could not purchase the right to use him with cruelty and injustice. Of whom could you purchase such right? Who could make such conveyance? — Not even God himself, whose energies are circumscribed within the limits of eternal justice, or who, to speak more philosophically, is Eternal Justice itself.

As to the danger of litigation from a law made for the protection of beasts, none I think need be apprehended; few would choose to risk any trouble or expence on such an account: its utility would consist in the recognition of the principle, it would stand forth as an eminent precept and memento of humanity.

There is much more force in the argument drawn from the superior humanity of the present over any former period and of its probably (*sic*) or rather certain increase with increasing light. I coincide intirely in opinion with those who esteem the present superior to all former times in the knowledge of truth, in the practice of every virtue, and in the enjoyment of every good. I hold it admits of mathematical demonstration. Even the lowest class of the people of this country have become much more mild and rational in their manners and more humane in their treatment of brute animals (however defective still) than in former times. The savage sports have long been on the decline. I am sorry however that truth and fact oblige me to make an exception which, strange to tell, relates to the higher orders of society. But for the records of Parliament itself posterity would scarcely credit that men of the first distinction for rank, learning

and talents* have in the nineteenth century stood forth as the avowed defenders and advocates of

* On Ap. 2, 1800, Sir W. Pulteney moved for leave to bring in a bill for preventing the practice of bull-baiting. Sir Richard Hill seconded the motion, and Mr. Baker suggested that cock-fighting should be included in the bill. Leave was given, the bill brought in and read a first time, and on the following day read a second time and committed.

On Ap. 18, on the order of the day for taking the report into consideration, Windham moved to consider it that day six months, in a speech which fills nearly six columns of Hansard's *Parliamentary History*. Canning also opposed it, and, although Sir W. Pulteney, Sheridan, and Sir R. Hill supported the bill, it was thrown out by 43 to 41.

On May 24, 1802 (the year in which Lawrence's words were printed), Mr. Dent moved the second reading of another bill to prevent bull-baiting and bull-running. Sir Richard Hill, Mr. Courtenay, Wilberforce, Mr. William Smith, Mr. Newbolt, and Sheridan supported it, but Windham (in a speech this time ten columns long), Col. Grosvenor, Gen. Gascoyne, and Mr. Frankland opposed it, and it was thrown out by 64 to 51.

I must here take some exception to certain words of Prof. Stanley Jevons in the article which I have before quoted. He says "I confess that a disagreeable truth is perpetually forced upon my mind, namely that the amusements of the lower classes are readily denounced as cruel, while the sports of the squire and the aristocrat are held up as noble, though involving far more pain to animals. At one time there were local by-laws of manors providing that no bull should be killed before it had been baited for the amusement of the people. But about the beginning of this century, when the manorial system had quite broken down, it was discovered that bull-baiting was a brutal and demoralizing exhibition, and it was forthwith repressed." Now in the two debates above-said every opponent of the bills but one (Mr. Frankland) stood up for bull-baiting as a poor man's sport; the attempt to put it down was twice defeated; there was no Act passed for the protection of *any* beast until 1822;

infliction of the most excruciating tortures upon brute animals, on the wretched pretence of affording sport and diversion to the people! The honourable endeavours of humane and virtuous men to rid our laws and our country of a foul disgrace have thus far been unhappily frustrated; but the perseverance of these sons of humanity until they shall have obtained their righteous end can never be doubted. Alas! I am so unhappy as to have a right to vouch for the truth of the far greater part of those horrid barbarities lately recited as the too frequent practice of bull-baiting, in fact without which it is scarcely ever practised in case of the animal being of a mild and gentle disposition—an abominable exaggeration of a thing in itself sufficiently infamous. The levity with which the staking down of a harmless animal to torture was treated in the debate must give pain to the feeling

in 1829 we find that two of the judges had pronounced bulls not entitled to benefit under that Act; and it was not till 1835 that an Act was passed which clearly forbad bull-baiting.

In the same article Prof. Jevons says "Wyndham, in a remarkable speech which he made in favour of bull-baiting, asserted that in shooting there were ten birds wounded for one bird killed. I should think, or at least hope, that this is an immense exaggeration." Windham's words, as given in Hansard and also in Amyot's three-volume edition of his speeches, are "it frequently happens that where one bird is shot a great many others go off much wounded."

mind, and, as to the arguments in favour of bull-baiting, they most conveniently loosen the bands of moral obligation whenever interest or prejudice may be pleaded.

Let us next review the auxiliary means requisite to bring about that consummation which every humane man must devoutly wish; and first of the education of our youth. Our defect here must be obvious to the least discerning. What can a few general precepts, loosely given and never observed even by those who give them, avail against the constant examples of cruelty placed in the observation of children? Can the practical lessons which they learn have any other influence on their infant-minds than to teach them that brutes, like stocks and stones, were made for all sorts of uses and purposes, and that it was no part of the scheme of a partial and defective providence that the feelings of such should come into question? The child to whom a miserable animal is delivered over to be starved to death, or pulled into quarters for his amusement, too probably learns a lesson which the subsequent conduct of the adult will not disgrace. Children must be in action; there is a principle of enterprize in them, a continual desire to exercise their young and growing energies; hence we see

them constantly whipping and beating poor dumb animals. This apparent cruelty arises merely from our neglect to teach them the proper use of animals, the obligations imposed upon us by a common nature respecting them, and in our inattention to furnish children with harmless or useful objects of playful pursuit. A little timely and well adapted punishment also may have the effect of preventing the growth of indifferent or callous dispositions in children. A friend of mine had a boy, about four years of age, who was observed frequently to amuse himself by pulling the legs from the bodies of flies: the father watched an opportunity, and, having witnessed the fact, immediately with a sudden jerk tore hairs enough from the boy's head to cause the tears to start from both his eyes. The boy suddenly [*sic* ?sullenly] asked "what that was for?" By way of answer he was instantly shewed the writhing and tortured body of the poor victim of his wantonness; at the same time it was explained to him that feeling was common to all the animal creation, and that the divine doctrine of doing as you would wish to be done unto extended even to flies. The reader may style this the *argumentum sympatheticum* if he please, and on trial he will be convinced of its good effects. The

nearest road to perfect humanity is strongly to impress its necessity, beauty, and excellence upon the hearts and minds of the rising generation.

Another most important step towards amending the condition of beasts is for all people of property (such I mean who are of the illustrious order of benevolence) to take at least their own animals under their own especial protection, to suffer no abuse, but to punish the brutal tyranny of profligate servants in the most exemplary manner. Was such a rational conduct to become general, the morals of servants would in time be amended, and our feelings would not be so frequently harrowed up with those disgusting spectacles which are now so common. Property must always give the *ton;* it is in the power of the rich among us, whenever they shall so please, to make it *la mode Anglaise* to treat beasts with kindness and consideration—in short to make general humanity the order of the day.

* * *

But the most fruitful source of misery to Horses is that they are committed (through necessity in a great measure, perhaps) to the absolute discretion in all respects of their drivers, a majority of whom are the least enlightened, the most hardened and

profligate of all the lower people. Here the generality of proprietors commit a great error against their own [? interests] and the interests of humanity. A man with a well informed mind, however ignorant he may chance to be of Horses, or of the established routine of stable-discipline, may be superior in one respect to the most skilful groom or driver. I mean, in that science which teaches the government of the temper both of man and horse—and there is a perfect analogy. The ignorant and brutal mind is too prone to tyranny and measures of barbarous and savage coercion. You'll see a man of this sort, to whom the management of horses is committed, everlastingly intent upon glutting his vindictive disposition for every fault, real or supposed, which the poor animals may chance to commit; whereas it is a truth grounded upon the experience of ages, and confirmed by the best judges of the present time, that the obedience of Horses is best inculcated and secured by mild methods and by overlooking trifling faults, and that from such treatment we shall reap the greatest possible benefit from their labours. I here foresee a difficulty arising in the minds of gentlemen and owners of Horses, and I will do my endeavour to help them out of the dilemma. It would surely be

no great trouble, nor productive of any inconvenience, for a gentleman or lady to say to a newly hired coachman, carter, or groom "Take notice, beasts have both sense and feeling, and I am told by experienced people that Horses are best governed by gentle usage. I am determined to permit no other to mine. I will have no foul blows given, nor suffer my cattle to be wealed and marked with the whip. If any of them will not do without such usage, prove it to me and I will change them. I shall look and enquire strictly into your conduct, and the instant you disobey me in this respect you are no longer my servant."

* * * *

You will frequently see a gentleman's coachman whipping one of his horses with the most brutal fury the whole length of a street. This practice is so very common that it doubtless leads people to suppose it to be perfectly right and in order. Now I have for many years paid particular attention to it, and can scarce recollect an instance where such correction was on just grounds or likely to be attended with good effects. On examination I have generally found it has been used because the horse unavoidably trod in a hole or slipped from bad shoeing; that it was a misfortune, not a fault,

in the horse; or that in all probability he was totally ignorant for what reason he was corrected. This last consideration (overlooked by the ignorant) is surely of the utmost importance. Even in the case of a fault, it may be relied on that nine parts in ten, at least, of the correction used must be superfluous, as is most of that brutal whipping which we see practised on an embarrass at the door of the playhouse or other public place.

The humane reader who has been accustomed to perambulate the streets of the metropolis will recollect that he has often observed a carman, with his whip hoisted aloft upon his arm, and his countenance marked with all the insolence of petty tyranny, strutting along the footpath and calling his fore-horse towards him. This necessary manœuvre of "Come hither, who-o" the little tyrant of the whip is determined to inculcate by dint of the utmost rigour and by absolutely breaking the spirit of the beast (whence ensue carelessness, stubbornness, uncertainty, and desperation), instead of using mild and persuasive methods attempered with occasional slight correction, in virtue of which he might almost to a certainty ensure the willing and steady obedience of his horse. At one instant the horse is whipped for

59789

holding too close to the driver, at the next for bearing off too much; now for going too fast, then again for going too slow; bye and by for stopping, afterwards because he did not stop; [? so] that the faculties of the poor beast are totally confounded and caused to degenerate into an inert and stagnant state of insensibility, instead of making a progress in that ratio of improvement of which they are so highly capable. Hence the source of many of those accidents which daily occur. Does a stage-coachman commit an error with his eye or his finger, from which a horse's mouth receives a wrong direction and an accident occurs? thinking the horse ought to have understood him (although it is probable he did not understand himself), or ashamed that his skill should be questioned, Mr. Hell-driver proceeds to whipping with all his new and home cuts, perhaps for a whole street's length, distressing all his other Horses and running the utmost risk of a new accident. In short the examples I could give, and the proofs of the inutility, as well as barbarity, of the far greater part of that correction which we daily see given to Horses, would be endless. The standing order of masters ought to be, *parce puer stimulis*—"I will not suffer my Horses to be whipped; for the more

whip the greater necessity, and you may proceed from a whip to a cat-o-nine tails."

The brutal cruelty of the Smithfield drovers has been an immemorial disgrace upon the character of the people of this country, and I should not obtain credit were I to state the number of lives which appear, from old magazines and newspapers, to have been lost from accidents by over-driven cattle within the last fifty years. The late exertions of the City Magistracy to check these infernal practices have done them immortal honour; the regulations they have caused to be put up in Smithfield are excellent and have no doubt been attended with considerable good effect. But it is impossible in the beginning to do more than barely check so inveterate a disease, even with the best remedies. To declare the fact, the fault by no means lies with the drovers exclusively, but is to be attributed to those relics of barbarity which are still latent in the minds of the people. How indeed are they to discriminate? Since the most exquisite pleasure is supposed by their betters to be derived from hunting, worrying and tearing the living members of the most harmless and timid animals, why not hunt bullocks as well as hares and deer? I have heard of a fellow, belonging to one of the public offices, who is so

enamoured with this humane, innocent, and delectable sport of bullock-hunting over the plains of London that he has not missed any eminent opportunity for years, and who upon the first intelligence will leave the most important business of his life, his wife in the pains of child-birth, his books unmade up, or his prayers unfinished, to follow the bullock and the jolly cry of "D—n my eyes! why don't you hox him?" from the Change to Hyde Park Corner, from that to Limehouse Hole, and from thence, were it upon the cards, to the gates of hell. It is a fact that needs no labour of mine to prove, that nearly all those beasts styled mad, that is vicious and untractable, are rendered so by the strange change of place and by. harsh and cruel usage, and that an amendment is to be sought only in the improved morals of the people. Respecting additional remedies to those already devised, I am for radical ones. I am wearied with perpetual temporizing, tampering, and bungling. I detest half measures and palliatives in all concerns whatever, as much as I do the patching up of disease; for there is a strict analogy between principles physical and moral, and mere palliation in either case does but lead the more surely to the acme or thorough completion of the evil. But to the

question—I cannot conceive any regulations, however prudently devised and punctually observed, likely to be thoroughly efficacious so long as the cattle-market is held in its present situation, and one would be tempted to suppose that it could be none other than such wise-acres as framed the sapient laws against forestalling and regrating to think of introducing such a dangerous nuisance as a market for live cattle into the heart of a populous city. Common sense and the general weal have long demanded the abolition of Smithfield Market and the establishment of two in lieu thereof, one on the North and one on the South side of the Metropolis, as well as the total discontinuance of slaughtering cattle within the town. But the common sense or justice alone of a measure are seldom any recommendation. Even were the whole Court of Aldermen to be tossed by horned cattle, their united influence would not be able to carry such a measure as the removal of Smithfield Market. A man might as well have the modesty to ask for universal suffrage and the abolition of the slave-trade.

* * * *

Many acts of cruelty to poor animals destined to the slaughter are overlooked which it is damnable infamy to tolerate. As a pregnant instance, how

often have I seen with an aching heart the wretched calves, their poor tender limbs stiffened and rendered almost useless by the length and jolting of their journey, precipitated head, sides, or heels first, as it might happen, from a high waggon down upon Smithfield stones, and the barbarous unthinking two-legged brutes, powdered or cropped, sans-culotte or in pantaloons, who generally surround the wagon to see so charming a spectacle, shouting loud in proportion to the violence of the distrest animals' fall! Did these good christians never in their lives get a severe and stunning fall upon the stones? Dozens such to them, with all my soul! It might perhaps put them in remembrance of the propriety, of the humanity, of throwing a truss of straw, or of placing some slide or convenience, to break the fall of the poor harmless calves.

Constant habit of business amongst cattle renders even mild men insensible of their miseries. There is a great deal of needless cruelty practised among butchers. Would it not be practicable to put blinds upon a bullock previous to giving him the fatal stroke? Would it not tend to use and expedition? This occurred to me from having seen several oxen escape after having received a blow, when they have been with much difficulty and danger re-

covered and tied up again, and have not fallen at last under perhaps a dozen strokes, which they strove to avoid with the strongest appearance of agitation and conscious terror.

I shall quit these disagreeable details with remarking upon the mistaken humanity of those tender-hearted persons who turn adrift a poor dog or cat which they choose not to keep, instead of fairly putting them out of the reach of want and misery. Who, do they expect, will entertain a poor forlorn stranger, when they are sensible themselves would drive back such a one from their door? In general these poor outcasts are seen starving about town and dying by inches, or are torn to pieces by dogs for the strange amusement of men whose minds in their present state are scarce superior to those of brutes. What a perversion also of such as one would suppose the common feelings of humanity and the obvious dictates of reason that we can behold an unfortunate and forsaken animal, exiled perhaps from the hospitable board and comfortable hearth of its late owner, exposed to all the horrors of famine, wet, and cold, and to the constant apprehension of insult and torture, pining for the loss of its happy home and looking pitifully up into the face of every passenger

for mercy and assistance—I say, that we can behold all this and, instead of affording the poor sufferer at least a look of compassion, can make sport of its sufferings, and even heap additional miseries upon its devoted head by endeavouring, with an industry we refuse to the better occasion, to wound, maim, and worry, and by all possible means to embitter the miserable remnant of its existence! and yet this is the lesson which our youth are taught!

Let us not regret a small additional trouble which we may incur by doing justice to beasts, through which we reap such immense benefits, were it only because it is natural for us to expect justice ourselves both here and hereafter. *Virtus in actione consistit*, and, when we give up ourselves to the suggestions of mean and sordid indolence, life becomes a stagnant pool and we defeat its first and grandest purposes. Nor let any one suppose this subject to be trifling and of no importance; it has exercised the abilities of some of the greatest men both of ancient and modern times: nor yet let us despair of inculcating into the susceptible minds of Englishmen the inferior duties of humanity, since we know they have long since found admission into the heads of some of those nations whom we style barbarous and savage. The Asiatics in

general, but particularly the Arabians, have been long renowned for their kind and merciful treatment of beasts: these last seldom or never correct their Horses either with whip or spur, but caress and reason with them as animals whom they perceive to be endowed with a large portion of the reasoning faculty. Hence in a great measure (as has been already observed) the superior docility, generosity, and affection for man in the Arabian courser. Amongst our northern neighbours of * Tartarian descent the brute creation has found learned and powerful advocates, of the most eminent of whom was John † Erischen, an Icelandic gentleman, who about forty years since published at Copenhagen his Treatise *De Philippia Veterum*, or, of the Affection of the Ancients for Horses. I regret never to have enjoyed an opportunity of perusing this book, which I am informed is written in pure and elegant Latin.

Humanity and benevolence to helpless beasts is (in general) a certain indication of generosity of soul and of a natural love of justice. If it be real, not occasional or assumed, depend, such a

* Whence did so cultivated a man get the idea that the Scandinavian peoples were of Tatar blood?

† Erichsen.

soul harbours no seeds of lurking treachery. But I do not mean that partial kind of charity which embraces only black cats and robins, because, forsooth, the one wears a coat of a fortunate colour and the other is a sacred bird. A pretty conceit truly that the old Gentleman's colour should be the harbinger of good luck, and that robins, the most spiteful and quarrelsome of all birds, two of whom are never seen upon one bush, should be entitled to an exclusive and privileged compassion: in one sense perhaps it may be perfectly right to style robin-redbreasts God Almighty's chosen dicky-birds, since they look upon all the rest of the feathered tribe as Philistines and entertain an antipathy towards them perfectly Hebrew. To be genuine and of catholic use all principles must be permitted to have their universal effect.

* * *

* The press, without the aid of which all right must be suspended and all improvement languish, has been employed to a degree of activity and many excellent writers have exercised their pens on this subject in an engaging and popular way. The magistracy also, at least in the metropolis,

* The rest of these extracts are from the Appendix on this subject (49 pp.) in the 3rd edition of 1810.

have of late years with the utmost propriety assumed a discretion in the case of flagrant cruelty to animals, even by their proprietors, and have ordered summary punishment—an example which ought to be imitated throughout the country.

* * *

The neglect of the *jus animalium* has been a great defect in every system of legislation hitherto, and a proposal for the question of its adoption has of late been made by a very able continental jurist.

* * *

The law ought to interdict the shameful practice of putting out the eyes of singing birds, for which a fellow belonging to Covent Garden market was lately punished by the magistrate.

* * *

I should rejoice to hear of a heavy penalty attached to the horrid and unnecessary practice of fleaing eels alive, by which the animals endure such lengthened tortures—a practice utterly unnecessary, because the skin of the eel is rich, gelatinous, and nourishing, indeed equally with the flesh. As to killing them, to stun them with blows on the head, or cut into their brain, are the only methods.

*Extracts from a * Chapter 'On the Philosophy of Sports,' by* JOHN LAWRENCE.

There is a certain proportion of the enjoyments of life due not only to the labouring classes of mankind but even to the beasts themselves which are engaged in the service of man; and whoever unfeelingly wears out these last as he does the soles he treads upon, with unmerciful and incessant toils, withholding from them that degree of repose necessary to their comfort and the cheerful performance of their labour, commits great and crying injustice, whatever brute and savage custom may urge in his behoof.

* * *

I must be bold to disallow the necessity of all breaches of justice, either in the serious business or the pleasures of life, on the score of expediency or of the indulgence of human weakness. It is the plea of robbers and thieves, at best that of a vicious and treacherous indolence. The usual pretence of impracticability I deny, and, were no other profit to ensue from doing right, the sense of having done so is a remuneration amply sufficient to a well informed and generous mind. It must be allowed

* In the same work. These extracts are from the 2nd edition.

that the foundations of truth have been obscured, sometimes totally concealed, by those useless superstructures which human weakness and human sophistry have so painfully erected. Adequate knowledge of the moral fitness of things must depend on discrimination and a just conception of the philosophy of dilemma. Still doctrines of this tendency need not, ought not, to be looked upon as merely esoteric; were we honest, did we wish to be understood, they might in no great lapse of time be rendered familiar even to the vulgar comprehension.

* * *

It is necessary to furnish examples of due discrimination in the case of brute animals. Their rights have been already defined. Man necessarily possesses the right of taking their lives at discretion; but natural justice, which the laws of society ought ever to enforce, forbids him under any pretence either of pleasure or profit to commit cruel outrage upon their feelings. I might here, could authority be possibly demanded for a downright axiom, quote that of Moses, who in the Levitical law directs, amongst many humane injunctions respecting beasts, that the knife with which the victim is slain may be as sharp as possible and

its edge free of torturing roughness—an article in the Jewish Code highly honourable to the personal character and to the memory of the legislator.

The baiting of animals, as it is called, that is, chaining and staking down wretched captives to be worried and torn to pieces by other animals purposely trained for such useless barbarity, is absolutely unlawful—contrary to the light of reason and the dictates of humanity—the foul disgrace of common sense, and never ought to be tolerated for a moment in a government which claims to be instituted for the protection of rights and the advancement of morality.

The origin of the infamous practice of baiting bulls, which had afterwards the sanction of an ignorant and barbarous legislature, is said to have been as follows. By custom of the Manor of Tutbury in Staffordshire a bull was given by the prior to the minstrels. After undergoing the torture of having his horns cut, his ears and tail cropped to the very stumps, and his nostrils filled with pepper, his body was besmeared with soap and he was turned out in that pitiable state in order to be hunted. This was called bull-running, and, if the bull was taken or held long

enough to pull off some of his hair, he was then tied to the stake and baited. In this unfeeling manner was the most innocuous and useful of the animal creation treated by savage man, by priests and legislators at too many periods, notwithstanding their high pretentions equally unenlightened in essentials with the lowest of mankind!

* * *

I do not wish to be understood as writing an unreserved panegyric even on fox-hunting, as at present practised. It is attended, I fear, in every hunt with a number of gross and useless acts of cruelty which cannot fail of the effect of hardening and debasing the hearts, particularly of the vulgar and ill informed: hence, as I have before observed, the erroneous but prevalent principle of hunting is the occasion of most of the cruelties practised upon helpless beasts.

* * *

To turn out that harmless, useful, and affectionate domestic the cat, which perhaps but a few minutes before, relying on your protection, was caressing your infants, its eyes beaming fondness, and its feet kneading in unison with the grateful thrum, to be hunted, torn to pieces alive, and devoured by a pack of greedy hounds, is a

blasted and unmanly act of barbarity. I know from long observation the ill effects which this cat-hunting has upon the morals of stable-boys and servants in general, and have more than once witnessed such cruel scenes of worrying and tearing these animals, when heavy in young, with tarriers, as would contaminate my paper to relate. I must own I am as fond of playing with my cat as ever was Montagne or even Crebillion, who kept so large a stud of them, and see no reason to join in sentiment with Buffon, who supposes the feline tribe more actuated by self-interest than any other species of animals.

As little am I convinced of the justice or even necessity of torturing the feelings of the poor hare or timid deer by keeping them bound in the kennel in sight of their dreaded enemies the hounds, whilst these last are punished with the severe and continued discipline of the whip for a crime which *they may possibly* commit at some future period—a discipline which it is a thousand to one whether five dogs in a score understand the meaning of, and which would be utterly unallowable granting they did, such punishment being founded upon an unjust and unwarrantable principle. I should conceive that immediate and

severe chastisement upon the actual attempt to commit the crime would be much more effectual as well as much more consonant with equity, which neither ought or need be excluded from our sports, nor ever will be by the naturally just after the season of reflection. Mr. * Beckford seems to think this flogging-process an act of preventive humanity. He appears to me to be arming himself against the wrong horn of the dilemma—a very common case.

Extracts from a Chapter on 'The Animal-Question', § xliii. of 'The Horse in all his Varieties and Uses,' by JOHN LAWRENCE, 1829.

My first essay on the duties of man towards those animals committed by nature to his charge was at the early age of fifteen years; and, though in the heat of youth, and during the hurry of the affairs of the world, I regret to have made too many breaches of practice, I have yet cherished the innate principle through life, and feel myself urged to pursue my destiny to the end, in however

* Peter Beckford, writer of *Thoughts on Hunting* and *Essays on Hunting*—both published in 1781.

great a degree ungracious and unpopular the theme. From my first contributions to the periodical press, I have embraced as many opportunities as were in my power of introducing the subject, and have never written any book on the care and management of animals wherein that important branch has been neglected. In my two volumes on the Horse, originally published in 1796, together with the additions to the third edition, I have enlarged more than in any other of my publications. Certain critics have made themselves merry with the phrase 'rights of beasts,' the ancient *jus animalium*; but it is scarcely possible they could be seriously unaware that I could intend nothing further than those natural claims which the brute creation has on the justice and compassion of rational man.

* Mr. Erskine, subsequently Lord Erskine, some-

* This seems to mean that he was Mr. Erskine when he brought in the bill, whereas he was then Lord Erskine. The 1810 edition of the *Philosophical and Practical Treatise* shows, however, that Lawrence knew this in 1810.

Erskine brought his bill into the House of Lords in 1809. Its second reading was carried unopposed on May 15 after a speech by Erskine which fills nearly 18 columns of the *Parliamentary Debates*. In committee, May 31, he was obliged to limit its scope to beasts of burden, but thus limited it passed the Lords unopposed (see June 2). On June 12 its second reading was moved in the Commons by Sir Charles Bunbury and carried without a division, but Windham expressed his intention to oppose it at a later stage.

what upwards of twenty years since, brought a bill into parliament for the purpose of completing the social and moral system by giving legislative protection to animals, which in their unprotected and helpless state were left exposed to the most wanton and cruel inflictions, even under the idea of sport, not only from the naturally insensible and from inclination actively barbarous, but from that great majority of mankind, the unthinking and the unreflecting, and prejudiced followers of custom! Notwithstanding the force, eloquence, and pathos of Mr. Erskine's address and the utter insignificance of those arguments, whether logical or practical, which were brought to bear upon him,

On June 13 he did so in a speech of 15 columns, followed by Mr. Giddy, Mr. Frankland, Spencer Perceval, and apparently Sir Thomas Plomer: the motion for going into Committee was however supported by Mr. Stephen, Wilberforce, Mr. Jekyll, Sir Robert Williams, Sir Samuel Romilly, Mr. Morris, Lord Porchester, and apparently Mr. William Smith, and was carried by 40 to 27. But two days later, when Sir Charles Bunbury moved to go into Committee, the bill was thrown out by 37 to 27 on an amendment of Windham's.

On April 17, 1810, Erskine brought another bill before the Lords, and it was read a first time, and on May 7 a second time, without opposition. On May 8 it was committed, but a good deal of discussion took place and it was ordered to be recommitted. On May 14, however, Erskine moved to discharge this order, with the view of bringing in another measure—which it does not seem that he ever did.

his bill was thrown out. Ridicule seems to have constituted the ground of the chief argument used against the bill, a too plain indication of that kind of principle with which it was desired to imbue the vulgar and uninformed mind. In spite of the ill success of Mr. Erskine's bill, the attempt conferred infinite moral benefits on the country. From that period men began to think, and the grosser sports and trespasses on the feelings of animals became somewhat on the decline. Many of those dens of torture and horror in which that minion of cruelty, the bearish and surly Broughton, and his myrmidons had used to officiate, under the highest patronage, were shut up and deserted; although we have yet too many of our modern *pits*, where the rising generation are initiated in that kind of morality. About the same time also the abomination of throwing at cocks in Shrovetide, with several other antique national barbarisms and fooleries, began to be discontinued, and, it may be hoped, are now nearly forgotten.

In the year 1822 arose another humane and considerate advocate for the claims of animals on our national justice, in the person of Richard Martin, Esq., of Galway, M.P. From the favourable change which had in a certain degree supervened, inducing

a somewhat milder tone of national sentiment, Mr. Martin succeeded in obtaining the enactment of a law which invested animals with rights under the social contract. He enjoys the honour with his contemporary philanthropists (for the love of human and brute nature is a congenial sentiment), and will stand recorded to the latest posterity as having arduously laboured for, and first succeeded in, that extraordinary change in our legislation; but the bill, as might be expected on such a subject and in the face of so much opposition, was necessarily imperfect; however still great and important the advantage obtained, a considerable number of animals were placed under legal protection, whilst others, having equal claims from their feelings and even greater liability to abuse, were entirely and indefensibly excluded from the pale of mercy. Mr. Martin previously to his second attempt did me the honour to call on and consult me, and my unreserved opinion was that nothing further could be required of the legislature with reason or effect than a general protection of animals and the absolute prohibition and putting down of all baiting and torture, whether of bulls, badgers, bears, or any other beasts. But, contrary to my expectations, the enthusiasm of this philanthropist got the

better of him, and he became disposed to expect much more than the legislature could, scarcely even with possibility, grant.

The clergy of the Church of England have exerted themselves most particularly and most meritoriously in this sacred cause. A great number of tracts have been periodically published by them since that excellent one, * Primatt's Duty of Mercy to Brute Animals, which has lately been republished, with notes and illustrations, by the Rev. A. Broome. This gentleman is the humane and zealous founder of the present Society for the Protection of Animals, towards the duties of which no one has contributed with greater zeal, enthusiasm, and assiduity than the honorary secretary, Lewis Gompertz, Esq. The society has the patronage and countenance of noblemen, ladies, and gentlemen, of high rank and influence in the country, among whom may be reckoned some of acknowledged first-rate talent. The † recent bill brought

* *Duty of Mercy and Sin of Cruelty to Brute Animals*, by Humphrey Primatt, D.D. The only editions given by Allibone are Lon., 1776, 8vo; 1834, 8vo.

† On May 12, 1829, Mr. Pullmer moved for leave to bring in a bill to suppress bull-baiting, and was supported by Mr. William Smith. The motion was opposed by Mr. R. Gordon, Peel, and Lord Milton, and was rejected by 73 to 28.

into Parliament by C. N. Pullmer, Esq., M.P. for Surrey, and a worthy patron of the Animal-Society, for the purpose of remedying a defect in Mr. Martin's Act, was thrown out by too large a majority to allow of any present hope. The bill was in course advocated by that constant and never failing friend of liberty and humanity, Mr. William Smith. The adverse arguments were of the usual tenour. The old bugbear *abstraction*, and the insuperable difficulty of *line-drawing*, formed the burden of the logical fund. But a late great and since deeply regretted statesman, a late convert however, declared in his place in parliament that all governments ought to be conducted on abstract principles; there is no doubt of this, as the ground work and foundation of all that is just and right in human affairs. At the same time every experienced political moralist is aware of that discrimination, of those compromises and allowances, independently of which the affairs of the world could not proceed.

* * * * * * *

Is justice a simple and indivisible principle, and equally due to animals burdened with the same wants as ourselves, and endowed with similar feelings and affections, as it is from rational man to his fellow man? is there any force or obligation in

the beautiful old Hebrew text 'the merciful man is merciful to his beast'?

* * *

A man may take the life, such is the compulsive plan of nature and of reason, but no man can have a property in the torture of his beast.

* * *

* Two of the judges have decided that bulls were not intituled to the benefit of Mr. Martin's Act, notwithstanding the comprehensive phrase 'all other cattle' is explicitly and unreservedly used . . . . . two barristers have given an opinion favourable to the bull, and some future judge and jury may entertain a similar opinion.

* I have not yet found the case; but from Hansard's *Parliamentary Debates*, N.S. xix. 1121, and xxi. 1319, it appears that after the passing of Martin's Act a clergyman pronounced a conviction for bull-baiting, which was appealed against in the Court of King's Bench on the ground that the word "bull" did not occur in the Act and that bulls were not "cattle;" and that judgment was given for the appeal, it being held by the two judges present that cows and steers of the age of two years were cattle, but that the adult male did not come within the description.

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